Ritual and Law in the Hebrew Bible and the Ancient Near East

Edited by
TZVI ABUSCH,
ALAN LENZI, and
JEFFREY STACKERT

Forschungen
zum Alten Testament

Mohr Siebeck

Forschungen zum Alten Testament

Edited by

Corinna Körting (Hamburg) · Konrad Schmid (Zürich)
Mark S. Smith (Princeton) · Andrew Teeter (Harvard)

184

Ritual and Law in the Hebrew Bible and the Ancient Near East

Edited by

Tzvi Abusch, Alan Lenzi, and Jeffrey Stackert

Mohr Siebeck

Tzvi Abusch, born 1940; Ph.D. in Assyriology from Harvard University (Cambridge, Massachusetts); Rose B. and Joseph Cohen Professor Emeritus of Assyriology and Ancient Near Eastern Religion at Brandeis University.

Alan Lenzi, born 1970; 2006 Ph.D. in Near Eastern and Judaic Studies (Bible and Ancient Near East) from Brandeis University (Waltham, Massachusetts); Professor of History at University of the Pacific.

Jeffrey Stackert, born 1977; 2006 Ph.D. in Near Eastern and Judaic Studies (Bible and Ancient Near East) from Brandeis University (Waltham, Massachusetts); Professor of Hebrew Bible at the University of Chicago.

ISBN 978-3-16-163879-4 / eISBN 978-3-16-163880-0
DOI 10.1628/978-3-16-163880-0

ISSN 0940-4155 / eISSN 2568-8359 (Forschungen zum Alten Testament)

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliographie; detailed bibliographic data are available at *https://dnb.dnb.de*.

© 2024 Mohr Siebeck Tübingen, Germany. www.mohrsiebeck.com

This book may not be reproduced, in whole or in part, in any form (beyond that permitted by copyright law) without the publisher's written permission. This applies particularly to reproductions, translations and storage and processing in electronic systems.

The book was typeset by Martin Fischer in Tübingen using Minion typeface, printed on non-aging paper and bound by AZ Druck in Kempten.

Printed in Germany.

Preface

Jeffrey Stackert

With this volume, David Wright's students and colleagues pay tribute to a scholar whose abundant, creative insight and forceful erudition are matched only by his warmth, congeniality, and good humor. Across his career, first at Brigham Young University and Middlebury College and then for three decades in the Department of Near Eastern and Judaic Studies at Brandeis University, David conducted research on the Hebrew Bible and the wider ancient Near Eastern world and taught generations of students eager to benefit from his thoughtful treatments of history, culture, language, and literature.

The essays in this collection are inspired by David's scholarship, which has focused especially on issues of ritual, law, and religion in ancient Israel and Judah and in the wider ancient Near East. In treating these topics, David has insisted that a theoretically-informed, historically-situated comparative inquiry offers the best perspective on ancient Near Eastern thought, practice, and literary production. In his first monograph, *The Disposal of Impurity: Elimination Rites in the Bible and in Hittite and Mesopotamian Literature*, David shed important light on the biblical rituals that, in their aim to counteract impurity, also clarified how ancient religious thinkers conceptualized purity and impurity as cultic realities. David's second book, *Ritual in Narrative: The Dynamics of Feasting, Mourning, and Retaliation Rites in the Ugaritic Tale of Aqhat*, investigated the complex interrelationship of ritual practice and its literary depiction in Ugaritic myth. In so doing, it offered a model for evaluating imaginative renderings of religious practice – both how they contributed to, and what they meant for, plot formation and what effect they had on readers (whom David calls "observers") who were drawn into the story world of the narratives themselves. David's third major study, *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi*, is his most ambitious and provocative. In this book, David suggests that the Covenant Code in Exodus reflects direct knowledge of the Laws of Hammurabi, which according to his analysis functioned as a controlling template for its organization and a strong influence upon its individual laws. This volume also reconstructs the sociohistorical context for such Judean interaction with the Laws of Hammurabi and situates the Covenant Code literarily within pentateuchal narrative.

David's research informed his teaching in fundamental ways; indeed, both *Ritual in Narrative* and *Inventing God's Law* were developed in close relation

to his classroom work. One of the greatest gifts that David gave his students was the opportunity to witness, and even participate in, his scholarly projects as he was developing them. David regularly brought his research-in-progress into his courses, testing ideas on his students and asking us to respond both to his claims and undecided questions. In these interactions, David displayed a tireless capacity for seeking out evidence and for engaging carefully and critically with it. He also demonstrated an admirable independence of mind – a genuine creativity – together with a thorough, collegial interaction with the work of other scholars. But perhaps best of all, David exemplified an openness to new ideas and, with them, a willingness to change his mind. There were hardly better lessons for aspiring young scholars to learn.

As the foregoing suggests, David has always been generous in engaging the research of others and, in particular, that of his students. David's students can readily recall not only his pressing questions but his encouragement and commendation; they can also point to his regular citation of important arguments from newly completed dissertations at Brandeis. As these remarks made clear, David took his students' research very seriously; he was also quick to acknowledge how much he had learned from them. Such praise inspired David's students to achieve a high level of scholarship – and helped them all along the way to believe that they could.

In offering this volume to David, we, his students and colleagues, present it as a token of our gratitude for his teaching, his mentorship, and his friendship. It is the sort of gift that we imagine he will especially enjoy. For a consummate scholar like David, what could be more fitting than a collection of essays that exemplifies and extends his rich legacy?

Table of Contents

Jeffrey Stackert
Preface V

Alan Lenzi
Introduction 1

Jeffery M. Leonard
Curses and the Composition of Deuteronomy 13

Tina M. Sherman
Exodus 34 and the Strategic Use of Law in the Construction of National Identity 41

Jason M. H. Gaines
On Moses's Foreskin: Narrative Repurposing of the Circumcision Ritual in the Priestly Source 61

Joel S. Baden
The Decalogue in Deuteronomy and (then) in Exodus 77

Tamar Kamionkowski
The Concept of Desecration in Leviticus 91

Marc Zvi Brettler
YHWH's Laws in Psalms 109

Bruce Wells
Identifying the Form of Enslavement in Exodus 21:20–21 127

Madadh Richey
Elisha and the Bears (2 Kings 2:23–25) 145

Jeffrey Stackert
Typicality and Verisimilitude in Neo-Assyrian and Judean Figural Representation 161

Ada Taggar Cohen
The Status of Women in the Hittite Cult as Mirrored in Royal Ideology and Prescribed Rituals 175

Alan Lenzi
Exploring Manners, Etiquettes, and Protocols with *Šuila*-Prayer Ištar 1 197

Tzvi Abusch and Emily Blanchard West
'Awful Silence, Deathly Stillness': Fears and Anxieties among the Gods in Mesopotamian and Indic Literature 217

List of Contributors 233

Index of Ancient Sources 235
Index of Authors 249
Index of Subject 255

Introduction

Alan Lenzi

Ritual and law in the ancient Near East and Hebrew Bible form the thematic core of David P. Wright's scholarship.[1] The contributors to the present volume honor David in the following pages with studies in one or both of these cultural spheres. The studies are as topically and methodologically diverse as David's own work, and range, as is again true of David's, from large-scale interpretations to studies focused on a single word or phrase.

The first two contributions interpret a particular matter in a pentateuchal text to shed new light on a broader issue in the Bible or ancient Israel.

In his essay, Jeffery Leonard examines the compositional dating of various blocks of material in the book of Deuteronomy through the lens of the threatened curses to be visited upon a disobedient Israel – their presence or absence – and, when present, their level of certainty and severity of execution. Leonard's purpose in looking at this material is to caution against recent trends of reading Deuteronomy as an exilic or post-exilic document. He begins with an examination of the core legal material in Deut 12–26 and its Gerizim-Ebal covenantal frame (Deut 11 and 27). Neither contains "*explicit* threats of scattering, exile, or military defeat," which Leonard suggests implies an initial compositional date for this material before Assyria's conquest and exile of Samaria in 722 BCE. In section two, Leonard finds an uncertain fate for Israel in Deut 4:45–11:28 and 28:1–46 (*sans* vv. 36–37). The potential for, but the uncertainty of, exile in this material suggests it arose in the decades after 722 BCE. Following Stackert's argument for the influence of Esarhaddon's Succession Treaty on Deut 28:20–44,[2] Leonard places the compositional date of both passages between 672 and 650 BCE. In the final two sections of his contribution, Leonard offers close readings of passages that presume the certainty of Israel's failure and punishment (28:36–37, 47–57, 58–68; 29:19b–26, 27; 31:16–22, 24–29; and 32:1–43) and, in section four, their future res-

[1] The point is clearly established via a perusal of the titles of his books: *The Disposal of Impurity: Elimination Rites in the Bible and in Hittite and Mesopotamian Literature*; *Ritual in Narrative: The Dynamics of Feasting, Mourning, and Retaliation Rites in the Ugaritic Tale of Aqhat*; *Perspectives on Purity and Purification in the Bible* (edited with several others); and *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi*. Witness also his much-anticipated commentary on Leviticus for the Hermeneia series.

[2] *Deuteronomy and the Pentateuch*, 94–99, 159–61.

toration after exile (4:23–31 and 30:1–10). Although five of these passages assume a national crisis (28:47–57; 29:19b–26, 27; 31:16–22, 24–29), Leonard does not find evidence to determine whether the crisis is related to the events of 722 BCE or 586 BCE. Only four passages certainly reflect the sixth century Judean exile (28:36–37, 4:23–31, 28:58–68, and 30:1–10). Given these findings, Leonard urges caution against reading the book as an exilic or later document.

In her contribution, Tina Sherman interprets Exod 34:10–27 as a product of a Persian period scribal legist who was attempting to define contemporary Israelite communal identity via a re-imagined original identity at Sinai. Sherman uses contemporary scholarship surrounding national identity formation as a heuristic to examine the identity Exod 34:10–27 constructs for Israel. She identifies five "common features attributed to nations and their members," namely, "1) a collective past; 2) a national territory and landmarks; 3) a common culture; 4) a 'national character'; and 5) a shared present and future," and undertakes a close reading of Exod 34:10–27 in light of each. According to Sherman, the key issue in Israel's collective past in Exod 34:10–27 is the conquest and settlement of Canaan, not the exodus. The passage implies a national territory via YHWH's driving out of the various Canaanite peoples, enumerated in v. 11, and the establishment of new landmarks as the Israelites clear out the old Canaanite cult places (v. 13). The territorial matter is underlined toward the end of the passage, where YHWH states, "I will cast out nations before you and enlarge your borders" (v. 24). In terms of a common culture, the passage imagines Israel as an agrarian community that demonstrates its relationship to the deity via three annual pilgrimage rituals, a weekly sabbath, and cultic practices that contrast with those of the people YHWH is driving out of the land. Israel's national character, according to Exod 34:10–27, is rooted in their common land, their covenant with YHWH, and their distinctive Yahwistic cult, which is strongly contrasted with the inhabitants of the land who "lust after their gods" (v. 15). This distinctive phrase, which Sherman argues is a clue to the passage's late composition, also emphasizes the prohibition against intermarriage with non-Israelites, who, lusting after their gods, would surely lead Israelites astray. Although Exod 34:10–27 does not describe Israel's future explicitly, its ancient author's imagined understanding of what YHWH commanded it to be at its founding implies a paradigm for future Israel, too. In fact, Sherman suggests that the passage's *raison d'etre* is a mythmaking strategy that provides an authoritative vision of Israel's founding at Sinai that would shape its contested present in the Persian period, a time when "the interpretation of authoritative texts, especially legal texts, increasingly became the means by which the Judeans established the criteria for membership in the community."

The next three essays demonstrate the benefits and pitfalls of reading pentateuchal texts intertextually. Gaines and Baden understand particular pentateuchal texts as the interpretive and editorial result of ancient scribes reading

earlier source material at their disposal. Kamionkowski does the same with regard to a particular phrase in Leviticus but also offers a corrective to the inappropriate modern intertextual interference of one corpus upon the proper understanding of another.

Joel Baden offers a diachronic perspective on the Decalogue from the perspective of the Neo-Documentary Hypothesis.[3] After a close reading of Exodus 20, Baden concludes that this version of the Decalogue is a secondary insertion into E's narrative of the covenant at Sinai. As Baden reads E, the laws of the Covenant Code (Exod 20:21–23:33), not the Decalogue, comprise the basis of the covenant between Israel and its god, and thus the tablets mentioned at Sinai (Exod 24:12) should be understood to contain the Covenant Code and *not* the Decalogue. The golden calf incident in E (Exod 32) violates the Covenant Code's initial law, which requires the aniconic veneration of the deity (Exod 20:22–23). In D, the laws in Deut 12–26 are the basis of a covenant between Israel and its deity, which they enter into *not* at Horeb but rather on the plains of Moab just before their entry into the promised land. These central chapters in Deuteronomy take on the function of the Covenant Code in D's revision of E, which then raises the question for D of what precisely happened at Horeb. Baden argues that for D, "[t]he Decalogue constitutes the basis for the covenant at Horeb," into which the people enter before setting out into the wilderness for the promised land. D therefore has two covenants (to E's singular covenant), one at Horeb on the basis of the Decalogue and one on the plains of Moab on the basis of the laws in Deut 12–26. "D invented the Decalogue," Baden reasons, "to fill the narrative gap that it created itself in its revising of E." Moreover, for D, it is the Decalogue that is inscribed on the tablets Moses receives (as is clear in Deut 4:13, 9:10), and it is the Decalogue's prohibition against apostasy that the Israelites violate with the golden calf, not an improper, iconic cult. Although Moses also receives the laws of Deut 12–26 at Horeb, he only announces these to the people some forty years later on the plains of Moab at the time of the second covenant. What then of the Decalogue in Exodus? This version of the Decalogue, according to Baden, has its origins in the D source, as vocabulary strongly indicates. Its placement in the Exodus narrative at Sinai is a later attempt to harmonize the Exodus account at Sinai with Deuteronomy's account at Horeb, sometime "after the Pentateuch had already been assembled from its constituent source documents," as evidenced in its justification of the sabbath in the created order rather than in Israel's former enslavement (20:11).

Jason H. M. Gaines offers an interpretation of Moses's "uncircumcised lips" (Exod 6:12, 30) as a Priestly reinterpretation of two problematic elements (for P)

[3] For which, see Baden, *Composition of the Pentateuch* and more recently, Baden and Stackert, eds., *Pentateuch and Its Readers*; idem, *Oxford Handbook of the Pentateuch*; and Stackert, *Deuteronomy and the Pentateuch*.

in the non-priestly material about Moses in Exodus 3–4, namely, Moses's lack of circumcision (Exod 4:24–26) and Moses's heavy mouth and lips (Exod 4:10). In the non-priestly material, Moses is never circumcised, according to Gaines. In Exodus 4:24–26, when the Israelite deity becomes angry with Moses, Zipporah's quick actions (circumcising one of their sons and touching the foreskin to Moses's genitals) deceives the deity into thinking that she has circumcised Moses when in fact she has not. The implication of the enigmatic passage, according to Gaines, is that Moses was uncircumcised at the time and *remained so* during the liberating events that transpired in Egypt shortly thereafter. In P, we have no mention of Moses's circumcision. Rather, as Gaines states, "it was simply a given" that Moses had already been circumcised, and any tradition to the contrary would need to be remedied in the priestly narrative, which P does in its description of Moses's speech. Gaines reviews the various understandings of Moses's protestation during his call narrative in the non-priestly material, namely, that he is "heavy of mouth and heavy of tongue" (Exod 4:10). In Gaines's view, "Moses makes two protestations" with these words: "I do not know what to say, and I am physically impaired." The deity then responds in Exod 4:11–12 with a double assurance: "I made you physically impaired, and I will tell you what to say." In P, only after his fellow Hebrews refused to listen to Moses (Exod 6:9) does Moses protest to the deity about his speech, claiming "I am foreskinned of lips" (Exod 6:12). This uncircumcision of the lips, in Gaines's view, expands the metaphorical notion of uncircumcised body parts – typically the heart – to the point of opacity, which raises the question of its purpose. Gaines sees two reasons for it: Moses's speech deficiency in P makes room for Aaron's elevated role in the priestly narrative as Moses's mouthpiece; and P's precise formulation of the metaphor "recasts earlier traditions that Moses was uncircumcised of foreskin, a situation that the Priestly authors would have found either unlikely or untenable. . . . Unable to deny or expunge the historical memory of Moses's uncircumcision, [the priestly authors] recast it from the literal (foreskinned of the penis) to the metaphorical (foreskinned of lips)." Thus, Moses's uncircumcised lips is yet another example of a recognized propensity in P to smooth out problematic elements it found in earlier Israelite narratives.

Tamar Kamionkowski offers a new interpretation of the phrase לחלל את השם, "to desecrate the name," as it is used in the Holiness Code, which should be understood as distinct from the use of the phrase in Ezekiel. Kamionkowski begins with a brief look at the Rabbinic phrase חילול השם, which designates a Jewish individual's action in word or deed that might elicit contempt for the Jewish community and/or its deity among those outside the community. This meaning, Kamionkowski suggests, has its roots in Ezekiel's usage of לחלל את השם, especially as it occurs in Ezek 36:19–21, where the deity announces the return of the people from exile not for their own sake but because the destruction of the temple and the exile of the people have cast a poor light on the

divine reputation. In Kamionkowski's view this "reputational" understanding of לחלל את השם in Ezekiel has unduly influenced the scholarly interpretation of the same phrase as it is used in the Holiness Code, which, when viewed through the lens of the H's worldview, is unique in the Hebrew Bible and quite distinct from Ezekiel's usage. The root חלל occurs sixteen times in the ten chapters of the Holiness Code. In keeping with recent scholarship that H's notion of holiness is dynamic, Kamionkowski argues that when the object of חלל is a person (in the priestly family), a sanctified item, or the sanctuary, the verb designates "a real reduction in holiness status" of the verb's object. Turning to examine the attestations of the verb paired with the deity's שם as its object, Kamionkowski argues there is likewise a diminishment involved: the people's actions have a real impact on the deity's name, which "is not just about reputation, but it is that aspect of God with which the people could interact." This element in H's theology is a direct response to P, in Kamionkowski's view. "In a highly relational, dynamic theology, where holiness status can be increased or decreased, how can it be that only one partner, Israel, can shift? . . . H's relational theology implies two dynamic partners, each of whom can impact the other."

The next two contributions demonstrate how the proper translation of one particular Hebrew word has broad interpretive implications for the corpus in which the word occurs.

Marc Brettler pursues the deceptively simple question, "What was the law for the (various) psalmists?" After a survey of the thirty-six attestations of the word תורה in the Psalter, Brettler finds no definitive evidence to equate the word with the Pentateuch. Similarly unconvincing are the various scholarly attempts to connect legal expectations attested in some psalms to actual pentateuchal legal provisions. The literary and redactional issues surrounding the corpora involved as well as their dating and the extent to which they were available to the respective authors of the psalms are very difficult, highly contested matters among scholars. The required literary dependence of these psalms on one of the legal corpora in the Pentateuch simply cannot be established. Drawing analogously on ideas about the sources of morality in ancient Mesopotamia, Brettler suggests that the basis for thinking about the legal expectations in the Psalter is not in a written text; rather, he looks to a cultural ethos of sorts, rooted in conventional morality, even if also expressed in notions about the divine will, which some call "wisdom." Brettler understands this term, in line with recent scholarship, as a fuzzy concept related to the assumed moral order rather than a discrete textual genre.

The contribution by Bruce Wells arises in response to the English Standard Version (ESV) using "servant" as an alternate translation of עבד in Exodus 21 and Samuel Perry's accusation that the ESV's use of "servant" constitutes sanitizing language.[4] In his essay, Wells examines Exod 21:20–21 in the context of the

[4] Perry, "Whitewashing Evangelical Scripture."

various forms of ancient Near Eastern enslavement in order to discern whether the law refers to chattel-slavery or debt-slavery. He argues that the latter is the law's focus and that the meaning of the Hebrew term is likewise confined to the same semantic domain throughout the Covenant Code. After providing a translation and introduction to the text, Wells surveys four kinds of slavery in the ancient Near East: pledge, distrainee, debt, and chattel. The first two are related to the securing of a loan. The pledge is a person held as human collateral until the loan for which they are pledged is paid. The distrainee is a person seized due to a borrower's default on a loan and held – often in poor conditions – to motivate the defaulting borrower to make good on the loan quickly. A person became a debt-slave in one of three ways: when a person was held as a pledge and the borrower defaulted on the loan; when a person who had committed a crime could not pay the penalty levied against them; and when a person was sold to another in order to obtain food for themselves or their household (famine-slavery). A person became a chattel-slave via birth to a slave in their owner's household, via abandonment by parents in a public place and subsequent enslavement by a stranger, via kidnapping and subsequent trafficking to a foreign land, or via capture during a war. Unlike the other forms of enslavement, chattel-slavery permitted no provision for redemption and, in general, there was little regulation on what an owner could do with the enslaved person. Wells then returns to Exod 21:20–21. In contrast to David Wright, who argues the law has both chattel- and debt-slavery in view,[5] Wells offers three reasons that the law treats only the latter. First, only a debt-slave would have a family member available to avenge their death at the hand of the slave-owner (see v. 20). Second, v. 21, which implies some leniency for an abusive owner, fits well within the parameters of what is permitted the owners of debt-slaves throughout the ancient Near East. And third, chattel-slaves are typically foreigners, and the biblical legal collections, as Wells notes, "generally take pains to note when a given provision is referring to non-Israelites instead of Israelites or when they are referring to both." Since Exod 21:20–21 does not specify the slave as a foreigner, the law has Israelites in view, and thus only debt-slaves. Wells concludes his essay with broader reflections about the moral import of the verses vis-à-vis Perry's accusations against the ESV. In Wells's view, the debt-slavery interpretation of Exod 21:20–21 implies a significant moral problem in the law precisely for what it leaves unregulated: "Owners who beat their chattel-slaves to death faced no consequences beyond the loss of their slaves."

The ensuing five essays, which increasingly move away from the Hebrew Bible, take a comparative and/or interdisciplinary approach. The first sheds light on a biblical text via ancient Near Eastern materials. The second utilizes art historical perspectives and biblical texts to shed light on Neo-Assyrian figural representation. The third, mainly concerned with women in the Hittite cult,

[5] *Inventing God's Law,* 171–72.

compares and contrasts its results briefly with cultic elements of the Bible. The fourth utilizes interdisciplinary perspectives to shed new light on Akkadian prayers. And the fifth makes a large-scale comparison of Akkadian and Sanskrit mythological texts.

Continuing her work on the Elijah-Elisha narrative,[6] Madadh Richey brings a comparative perspective to bear on 2 Kings 2:23–25, in which Elisha curses a group of boys who have mocked the prophet for his bald head, after which two female bears emerge from the forest to maul the boys. Richey considers the various ethical issues the passage raises for contemporary interpreters, who often view the punishment as disproportionate to the offense, especially so since it originated with presumably corrigible kids. For Richey, the ethical issues lie with the modern reader, not the ancient audience. Indeed, as she notes, the Bible sometimes even *prescribes* the execution of verbally abusive youth (see Exod 21:17; Lev 20:9; Deut 21:18–21). In light of this, she suggests the story "aims to encourage, via imagery that is contextually logical while also memorable, respect for the representative of YHWH." In the rest of her contribution, Richey turns to examine the roles that the bears, Elisha, and their genders play in the narrative. She finds precedent in a covenant curse in Lev 26:22 for understanding the divine use of wild animals to bereave (שכ״ל). Bears, moreover, are "paradigmatically associated with bereavement" in several other biblical texts. Thus, it seems 2 Kgs 2:23–25 is a "creative narrativization of a curse like that preserved in Leviticus." Building on the idea that animals and deities were often closely associated in the ancient Near East, Richey cites a curse from a relatively new Hieroglyphic Luwian inscription in which a deity *becomes* a punishing lion, an animal often paired with a bear in biblical texts as equally terrorizing (see, e. g., 1 Sam 17:34–37 and Prov 28:15). Appealing to an Old Babylonian Mari incantation in which a ritual practitioner likens himself to a wolf and a lion, Richey suggests "it was evidently conceivable that magical practitioners could call on the powers of animal avatars in settling their claims." Drawing these contextualizing ideas together, Richey understands the bears in 2 Kgs 2:23–25 as agents of YHWH, invoked by his representative Elisha, portrayed very much as a magical practitioner, to maul the young boys "as YHWH himself would" (see also Hos 13:8, Lam 3:10). Rather than being described as bereaved, the bears act as the agents of bereavement in this narrative. Moreover, Richey finds it ironic that the hairless Elisha would need two shaggy female bears to come to his aid, which, as she concludes, "introduces a gender contrast with the deconstructive potential to undermine Elisha's putative masculinity. . . . The precise figuration of the gendered animal has the odd effect, therefore, of casting the man of god in a queer light."

[6] Richey, "Thunder of the Prophets"; Richey, "Child's Sickbed in the Elijah and Elisha Narratives."

Jeffrey Stackert's contribution reconsiders the scholarly consensus on the relationship between typicality and verisimilitude in Neo-Assyrian figural representations in visual art by way of Akkadian and Hebrew textual evidence. Modern art historians generally understand figural representations in ancient Near Eastern art to reflect standardized or idealized physical features rather than distinctive features of any individual. Likewise, their depicted accoutrement (e. g., clothing, headgear, etc.) are understood as conventional or symbolic rather than idiosyncratic. According to this consensus, figures conform to an idealized, typical visual profile (of, e. g., kingship) rather than one that is true to, or a verisimilitude of, the individual's actual appearance (e. g., of a particular king). Stackert amends this interpretive consensus in light of several texts in which Akkadian *bunnannû*, "appearance," and *ṣalmu*, "image," are used in "descriptions of precise physical resemblance." In the anti-witchcraft ritual series *Maqlû* the patient worries that those practicing witchcraft against him have fabricated a ritual figurine that copies his facial features (I 96). In a later passage the victim identifies the witch as the one who made an image of his appearance and then states that he himself has in turn made an image of the witch to use in ritually countering her (VII 55–59, 63–66). As Stackert reads these lines, "the threefold repetition of the examination-production sequence undertaken by both witch and victim . . . emphasizes the precise resemblances envisioned between the images and their subjects." In another example, the outcome of an Akkadian physiognomic omen is based on the determination of an infant's verisimilitude to either his mother or his father, which clearly shows an understanding of family resemblance in ancient Mesopotamia. Stackert turns next to Gen 1:26–27 and Gen 5:1–3, both belonging to the Priestly source, to explore typicality and verisimilitude in biblical Hebrew descriptions of images. In a very nice example of how biblical studies can come to the assistance of Assyriology,[7] Stackert uses the biblical material, which he dates to the Neo-Assyrian period, as supporting evidence for the claims made on the basis of the Akkadian texts. About the two texts in Genesis Stackert writes: "The first concerns rulership, and the image associated with it is a typical likeness. The second imagines familial relations, in which case the likeness is one of precise physical resemblance." Drawing together the two lines of textual evidence for genuine verisimilitude in figural representations, Stackert returns to Neo-Assyrian visual art to consider the question of family resemblance in depictions of related kings. The textual record provides good warrant, in Stackert's view, to interpret similarities in figural representation of related persons as reflecting not just typicality but a genuine attempt at verisimilitude, that is, as depicting true family resemblance between individuals, even though typicality was the dominant tendency. What's more, Stackert thinks it quite likely that the ancients

[7] For a volume full of such examples, see the forthcoming *Jehu's Tribute: Contributions of Biblical Studies to Assyriology*.

would have interpreted the similarities between images as family resemblance, too, even if they'd never seen the two kings, since dynastic rule was the norm and family resemblance would have been expected. Thus, we must see both typicality and verisimilitude in such cases, as he writes: "Put plainly, for (biologically-related) Assyrian rulers, to look *like each other* was to look *like kings*." Setting his conclusions within the broader theorization of portraiture, which displays "a dynamic interplay" between accuracy (verisimilitude) and stylization (typicality) of the person sitting as subject, Stackert concludes "that portraiture was already a substantially realized (if unnamed) genre of ancient Near Eastern visuality. Stylized typicality and precise physical resemblance each played a constitutive role in royal visual representation; they even worked together to code the figures depicted as kings."

Ada Taggar Cohen's contribution provides an overview of the roles women played in various Hittite cultic rituals through the lens of the household and how these roles reflect a cisgender Hittite worldview. Taggar Cohen begins with a brief overview of women in Hittite society broadly conceived via several Hittite laws (CTH 291–292). Although women are sometimes punished equally to men for infractions, women are mostly treated as weaker/inferior to men, and their sexual activities and marital relations are closely regulated. Unsurprisingly, the Hittite world was a patriarchal world. Turning to focus on the Hittite cult, Taggar Cohen notes that our sources are biased toward the royal household and elite members of society, including those involved in various cultic institutions. In iconographic representations of the cult, there is a clear distinction between male and female figures (both deities and humans) and their respective clothing and associated accoutrement, all of which supports a simple binary conflation of biological sex and gender roles: males with a masculine gender and females with a feminine gender. The Hittite understanding of divinity, according to Taggar Cohen, is basically based on the notion of the human household. Thus, the divine couple at the head of the pantheon give the land as an inheritance to the Hittite king who exercises rule over it. Although sometimes it is only the Storm-god of Hatti who entrusts the land to the king, in a prayer of Ḫattušili III (CTH 383) it is the Sun-goddess of Arinna alone who hands over the land to him. Taggar Cohen then turns to survey a variety of ritual texts involving the female functionaries designated $^{\text{MUNUS}}$AMA.DINGIR-*LIM* and NIN.DINGIR. The former priestess, according to Taggar Cohen, "served in temples around the Hittite kingdom, and therefore could be a priestess in a small town or village and could also have served in a large temple in the capital. At the same time, this title was an official one for a female member of the royal family, specifically the queen herself, serving in the cult." The latter were members of the royal family, who "clothed themselves in the deity's vestments, when engaging in worship of the gods," which "symbolically brings the royal family (father-mother-son-daughter) into the family of the gods. It physically mirrors them with the gods." In sections

five and six, Taggar Cohen briefly compares elements from the Hittite materials with the Hebrew Bible and reflects on useful elements in a contemporary theory of "gender ritualization" set out by Jennifer Johnson.[8] In conclusion, Taggar Cohen argues that "the Hittites had an essentialized understanding of the biological differences of sex, and that gender was decided by its performative aspect, creating a clear difference between male and female." Importantly, even though both genders are involved in maintaining the world (both divine and human) in the Hittite sources, women, priestesses, and goddesses primarily serve this maintenance via their traditional roles in the household, that is, as wife, mother, and primary nurturer.

Alan Lenzi brings together ancient Mesopotamian social conventions and contemporary scholarship on proxemics and the pragmatics of politeness to explore the way in which Akkadian prayers reflect various ancient Mesopotamian social manners, etiquettes, and protocols. Using the Akkadian *šuila*-prayer Ištar 1 as a representative example, Lenzi first analyzes the prayer's macro-structure in terms of Annette Zgoll's reconstruction of a social convention she calls an "audience."[9] In this culturally-scripted social interaction, a person of inferior social status (a subordinate) takes a concern or need to a social superior (an authority) to request that person's help. Zgoll's audience model is an abstraction, based on a variety of texts, including many *šuila*-prayers; Lenzi offers a concrete application of the model to demonstrate its fruitfulness in the interpretation of one particular prayer. Lenzi also draws on proxemics and politeness theory to shed new light on several of the ten elements in Zgoll's model. "The subordinate's gesture of greeting" (hand-raising) and "the subordinate's utterance of a spoken greeting" (praise) work in tandem, ritually speaking, to move the supplicant (subordinate) from a perceived public distance, where the deity (authority) is out of reach, into a more proximate, social distance, in which the supplicant may importune the deity. The supplicant's opening praise is not flattery, in Lenzi's view; rather, it is a form of positive politeness, socially requisite if the subordinate wishes the authority to grant an audience. The final two elements in an audience, "the subordinate's expression of gratitude" (concluding praise) and "the subordinate's departing gesture," return the subordinate to the public sphere and thus remove the subordinate from the transactional realm of the audience. Lenzi also interprets several micro-features of the prayer via the same methodological perspectives. The use of imperatives and jussives throughout the petitionary section of the prayer, which is typical of Akkadian prayers, "is not so much a matter of urgency but a reflection of the power dynamic in the hierarchical relationship between the ones involved in the audience." The supplicant's request for the deity to "look upon me in earnest and accept my prayers" affirms

[8] "Gender Ritualization: The Customization of 'Doing Gender'."
[9] "Audienz – Ein Modell zum Verständnis mesopotamischer Handerhebungsrituale."

the supplicant's proximity to the deity but also, more importantly, their desire for the deity's favorable attention and reply in the moment of the audience. Finally, the reciprocity that is fundamental to Zgoll's audience model accounts well for the supplicant's overt *do ut des* rhetoric in lines 24–30. Ultimately, Lenzi's interpretation is a test case for the applicability of these several methodological perspectives to the interpretation of Akkadian prayers more broadly.

In the volume's final essay, at a time when comparisons between ancient Near Eastern and Classical mythologies are mainstream endeavors,[10] Tzvi Abusch and Emily Blanchard West look for connections in the opposite direction as they continue their work of comparing the myths of ancient Mesopotamia and India.[11] In the present contribution, they offer a comparative mythological study of the motif of divine anxiety, fear, and helplessness in the face of a crisis as the motif appears in both Akkadian and Sanskrit literature. After an exposition of the motif in *Enūma Eliš* and the Epic of Anzu, the authors identify a common, five-fold pattern in the two Mesopotamian texts that they also find attested in a variety of mythological texts from India: (1) The gods react to an approaching crisis with fear and worry (2) in a collective manner, resulting in (3) a perception of divine helplessness, the central focus of the narrative. The gods subsequently (4) turn to a particular deity among their ranks for counsel and resolution, which (5) the assisting deity finally supplies. Although there are small differences in the development of the divine anxiety motif in the two corpora, the authors are especially struck by the common anthropopathic depictions of the gods and the resolution of their negative emotions by one of their own. This narrative pattern, they aver, sheds an intriguing light on "the two cultures' analogous conceptions of the nature and hierarchies of divine power."

Bibliography

Abusch, Tzvi and Emily Blanchard West. "Sowing the Seeds of Uncertainty: The Transmutation of the Mesopotamian Flood Myth in India, Iran, and the Classical World." *The Journal of Indo-European Studies* 48.3 & 4 (2020): 325–51.

–. "The Tale of the Wild Man and the Courtesan in India and Mesopotamia: The Seductions of Ṛśyaśṛnga in the *Mahābhārata* and Enkidu in the Epic of Gilgamesh." Pages 69–109 in *The Ancient World in an Age of Globalization*. Leipzig: Max Planck Research Library for the History and Development of Knowledge, 2014.

Baden, Joel S. *The Composition of the Pentateuch: Renewing the Documentary Hypothesis*. AYBRL. New Haven: Yale University Press, 2012.

[10] See, e.g., the recent edited volume, Kelly and Metcalf, *Gods and Mortals in Early Greek and Near Eastern Mythology*.

[11] See their previous collaborations, Abusch and West, "Sowing the Seeds of Uncertainty"; Abusch and West, "The Tale of the Wild Man and the Courtesan"; and West with Abusch, "Bījāni, Retas and Zēr Napšāti."

Baden, Joel S. and Jeffrey Stackert, eds. *The Pentateuch and Its Readers*. FAT 170. Tübingen: Mohr Siebeck, 2023.
–, eds. *The Oxford Handbook of the Pentateuch*. New York: Oxford University Press, 2021.
Cooley, Jeffrey and Rannfrid Thelle, eds. *Jehu's Tribute: Contributions of Biblical Studies to Assyriology*. University Park: Eisenbrauns/Pennsylvania State University Press, forthcoming.
Johnson, Jennifer A. "Gender Ritualization: The Customization of 'Doing Gender'." *International Review of Modern Sociology* 34 (2008): 229–51.
Kelly, Adrian and Christopher Metcalf. *Gods and Mortals in Early Greek and Near Eastern Mythology*. Cambridge: Cambridge University Press, 2021.
Meshel, Naphtali S., Jeffrey Stackert, David P. Wright, and Baruch Schwartz. *Perspectives on Purity and Purification in the Bible*. LHBOTS 474. London/New York: T&T Clark, 2008.
Perry, Samuel L. "Whitewashing Evangelical Scripture: The Case of Slavery and Antisemitism in the English Standard Version." *JAAR* 89 (2021): 612–43.
Richey, Madadh. "The Child's Sickbed in the Elijah and Elisha Narratives: Safeguarding Ritual Space in 1 Kings 17 and 2 Kings 4." *CBQ* 84 (2022): 385–403.
–. "The Thunder of the Prophets: Elijah and Elisha' גה״ר (1 Kgs 18:42; 2 Kgs 4:34–35)." *ZAW* 131 (2019): 235–43.
Stackert, Jeffrey. *Deuteronomy and the Pentateuch.* AYBRL. New Haven: Yale University Press, 2022.
West, Emily Blanchard with Tzvi Abusch. "Bījāni, Retas and Zēr Napšāti: The 'Seeds of Creatures' in the Indic Flood Myth." *The Journal of Indo-European Studies* 48.3 & 4 (2020): 504–33.
Wright, David P. *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi*. New York: Oxford University Press, 2009.
–. *Ritual in Narrative: The Dynamics of Feasting, Mourning, and Retaliation Rites in the Ugaritic Tale of Aqhat*. Winona Lake: Eisenbrauns, 2001.
–. *The Disposal of Impurity: Elimination Rites in the Bible and in Hittite and Mesopotamian Literature*. SBLDS 101. Atlanta: Scholars Press, 1987.
Zgoll, Annette. "Audienz – Ein Modell zum Verständnis mesopotamischer Handerhebungsrituale: Mit einer Deutung der Novelle vom Armen Mann von Nippur." *BaghM* 34 (2003): 181–203.

Curses and the Composition of Deuteronomy

Jeffery M. Leonard

1. Introduction

In his *magnum opus*, *Inventing God's Law*, David Wright has presented what may be considered the maximalist case for the dependence of the Covenant Code on the Code of Hammurapi.[1] Whether the former depends on the latter as comprehensively as Prof. Wright contends, it seems clear that the biblical legists were more profoundly influenced by Hammurapi's Code than has usually been admitted. Of particular interest in Wright's study is his suggestion that the occasion for the Covenant Code's reliance on Hammurapi's laws was the Neo-Assyrian period. As Wright amply demonstrates, copies of the Code of Hammurapi from the Neo-Assyrian period are richly attested,[2] and opportunities for Assyrian cultural influence upon Israel and Judah were available through nearly two and a half centuries of Neo-Assyrian domination of the west.[3] From the reign of Ashurnasirpal II at the beginning of the ninth century to the collapse of the empire in the waning years of the seventh, Israelite and Judean scholars and diplomats had both motive and opportunity to borrow from Akkadian legal sources. Wright posits four potential moments for the Covenant Code's reliance on Hammurapi's laws, all of which fall within the several decades immediately before or after the year 700 BCE.[4]

An important consideration in Wright's dating schema is his recognition that the Covenant Code must have been composed early enough for it to have been

[1] It is an honor to dedicate this study to my professor and friend, David P. Wright. In the many hours I spent in his doctoral classes at Brandeis, now many years ago, I came to appreciate Prof. Wright as a teacher possessed of a rare combination of intimidating intelligence and boundless kindness. Whether mulling over the meaning of some Ugaritic tale, savoring the interpretive creativity of an Aramaic targum, deciphering some Phoenician, Moabite, or Ammonite inscription, or unraveling the mysteries of an Israelite ritual practice, Prof. Wright's enthusiasm for his subject matter, and for his students, never wavered. I remain deeply in his debt.

[2] Wright, *Inventing God's Law*, 106–10.

[3] Ibid., 98–106.

[4] Wright suggests the Covenant Code may have been composed (1) by a Judean as a response to the pro-Assyrian policies of Ahaz (742–727), (2) by a member of the Israelite elite shortly before or after the fall of Samaria in 722, (3) by a Judean or an Israelite transplant writing in the anti-Assyrian spirit that characterized Hezekiah's reign leading up to Sennacherib's campaign in 701, or (4) by a Judean in the midst of the pro-Assyrian policies of Manasseh (697–642). Of these opportunities, Wright finds the third the most likely (cf. p. 116).

used by the authors of another collection of biblical laws, namely Deuteronomy 12–26. In recent decades, various scholars, chief among them Bernard Levinson, have made a compelling case that the authors of Deuteronomy used the Covenant Code in producing their own legal formulations.[5] We may still debate whether Deuteronomy's intentions in relying on the Covenant Code were to supplement, subvert, or resuscitate, but the fact of the former's reliance on the latter should be essentially a settled matter.[6]

In seeking to nail down a date for Deuteronomy, an important study by one of Prof. Wright's students, Jeffrey Stackert, deserves consideration. It has long been recognized that portions of Deuteronomy appear to show the influence of Esarhaddon's Succession Treaty (EST).[7] Stackert argues that while the influence of EST on Deuteronomy is restricted to a relatively modest portion of the book (mainly chs. 13 and 28), the nature of the influence is direct and not merely part of a shared cultural milieu. Just as important for our purposes is the compelling case Stackert makes for there being a much narrower window of opportunity than is usually supposed for Deuteronomy's reliance on EST. Stackert argues that D must have relied on EST very shortly after its publication in 672, at least in the first half of the seventh century.[8]

This relatively early date for Deuteronomy moves against the grain of most recent proposals for the book's composition. For more than a century following de Wette and then Wellhausen, Deuteronomy was firmly linked to the reign of Judah's King Josiah, so much so that it served as a sort of "Archimedean point" for dating other biblical texts. Amid growing skepticism toward the historical reliability of the Kings account concerning Josiah's law code, however, the date proposed for Deuteronomy has tended to shift not to an earlier point in time but to the exilic and even post-exilic periods. Stackert's date for Deuteronomy would move in the opposite direction.[9]

---

[5] See Levinson, *Hermeneutics of Legal Innovation*; Levinson, *The Right Chorale*. See also Otto, "Deuteronomium als archimedischer Punkt"; Otto, "Pre-Exilic Deuteronomy"; Stackert, "Cities of Refuge."

[6] See especially the discussion in Stackert, *Rewriting the Torah*, 209–25; Stackert, *Deuteronomy and the Pentateuch*, 76–84. I am grateful to Prof. Stackert for sharing the latter resource while it was still in the last stages of publication. See also Levinson, *Hermeneutics of Legal Innovation*, 149–57; Najman, *Seconding Sinai*, 19–29; Otto, "History of Legal-Religious Hermeneutics," 213–21.

[7] "Esarhaddon's Succession Treaty" (EST) is alternatively referred to as the "Vassal Treaties of Esarhaddon" (VTE). The similarity of Esarhaddon's treaty to Deuteronomy was observed already by Donald Wiseman in his *editio princeps* of the cuneiform materials (see his *Vassal-Treaties*, 25–26). See also Moran, "Ancient Near Eastern Background," 82–84; Weinfeld, "Assyrian Treaty Formulae," 417–27; Weinfeld, *Deuteronomy 1–11*, 6–9; Steymans, "assyrische Vorlage"; Steymans, *Deuteronomium 28*, 143–49; Polk, "Deuteronomy and Treaty Texts," 137–210.

[8] Stackert, *Deuteronomy and the Pentateuch*, 86–109, and esp. 49–55.

[9] Note, for example, the series of arguments in Pakkala, "Oldest Edition."

One of the primary reasons for the shift in Deuteronomy's date to the exile has to do with the manner in which scholars have understood the book's "allegory." While ostensibly a speech from Moses to the Israelites on the eve of their conquest of Canaan, many regard the book instead as an address to Judean exiles similarly situated outside (but perhaps expecting a return to) their land.[10] Stackert resists this approach to dating the book, insisting that the book must first be read fully within its own fictive literary setting before jumping too quickly to an allegorical reading of its details. For Stackert, Deuteronomy's failure to mention Jerusalem or to accord a role in the justice system to the monarch is not a sign of composition when both Jerusalem and the Judean monarchy had fallen. Rather, they belong to the *literary* setting of Deuteronomy, which preceded the taking of Jerusalem and the establishment of the monarchy. Thus, resistance to anachronism, not clever allegory, lies behind these features of the book.

Stackert's concern for reading Deuteronomy within its own literary setting is a welcome balance to those readings that presume allegory where it is quite possible that none exists. There is an aspect of the book, however, which, if not precisely allegorical, does "bleed through" the fictive setting of the book and into its compositional setting: Deuteronomy's curses. Scattered across Deuteronomy's pages are repeated warnings and threats concerning the curses that will befall the nation if it proves to be disobedient. So confident of Israel's future failings are these curses and so detailed in their descriptions of the calamities the nation would endure that most scholars have naturally understood them to be *retrospective* rather than *prospective*. As essentially *ex eventu* prophecies, these texts often unintentionally betray the true settings in which they were composed and thus provide clues for tracing the literary history of the book as a whole.

2. The Law Code

Too rarely noticed in studies of Deuteronomy is the fact that large swaths of the book lack any blessing and cursing language at all. Chapters 1–3, for example, eschew this language entirely. The historical reminiscences in these chapters offer hope in the form of YHWH's promise to bring the people into the land and warning in recounting the demise of the first generation in the wilderness. The author says nothing at all, however, about any future disobedience or consequences that might follow from it.

Far more important is the fact that *explicit* threats of scattering, exile, or military defeat are entirely absent from the law code that forms chs. 12–26, and

[10] Note especially Otto's approach as he traces the exilic stage of the development of Deuteronomy ("History of Legal-Religious Hermeneutics," 228–34). See also Römer, *So-Called Deuteronomistic History*, 124.

even *implicit* warnings of this sort are few and far between. Deuteronomy 18:12 could be read as such a veiled threat as it warns the people against imitating the religious practices of the nations: "For anyone who does such things is an abomination to YHWH, and it is because of these abominations that YHWH your God is dispossessing them from before you."[11] The same could be said for the stipulation in the so-called "Law of the King" that the king must adhere to Deuteronomy's Torah "in order that he may lengthen his days over his kingdom, he and his sons, in the midst of Israel" (17:20). Apart from these subtle warnings, however, the closest the Deuteronomic laws come to threatening removal from the land are one verse that mentions divine anger (13:18) and a handful of verses that tell the people how they will find success in the land: justice is required if the Israelites are to "live and possess the land" (16:20). Honest weights and honest measures are needed "so you may lengthen your days in the land that YHWH your God is giving you" (25:15). Only the young and not the mother may be taken from a nest "in order that it may go well with you and you may lengthen your days" (22:6–7). Bodily functions must be performed outside the camp and their results covered, "since YHWH your God moves about in the midst of your camp," and he should not "see among you anything indecent and turn away from you" (23:14–15).

It is not that motive clauses are absent from the law code. On the contrary, the Deuteronomic laws are replete with justifications for why particular commands should be obeyed. In many cases, this justification is centered on the remembrance of past blessing such as the deliverance from Egypt (15:15; 16:3, 12; 24:18, 22) or on the hope of securing YHWH's present or future blessing (14:29; 15:10; 16:15; 24:19) so that it may go well with the people (12:28; 19:13; 22:7; 24:13). Injustice is forbidden not only because a victim might cry out to YHWH and bring guilt upon a person (15:9; 24:15), but also because the injuries inflicted upon victims are deemed to be *self-evidently wrong*. Thus, bribes are forbidden because they "blind the eyes of the wise and subvert the cause of the righteous" (16:19). A handmill or upper millstone may not be taken in pledge "because that would take a life as a pledge" (24:6). A garment taken in pledge must be returned so that the borrower "may sleep in his cloak and bless you" (24:13). Wages must be paid before the sun sets because a worker "is poor and his life depends on it" (24:15). One being flogged may not be given more than forty lashes "lest being struck further, with many more blows, your brother be degraded before your eyes" (25:3). For most commands, it is motivation enough to obey a command simply because a particular practice is deemed by YHWH to be "detestable" (16:22), "cursed by God" (21:13), or "abhorrent" (17:1; 18:12; 20:18; 22:5; 23:19; 24:4; 25:16). The law's commands must be obeyed simply because the Israelites are a consecrated people (14:22), obliged to preserve the sanctity of the

[11] Unless otherwise noted, all translations are my own.

land (21:23; 23:15) by sweeping out evil from their midst (17:7, 12; 19:19–20; 21:21; 22:21–22; 24:7) and warding off bloodguilt (19:10, 13; 21:8–9; 22:8).

Noticeably absent from the various motivations noted above is any straightforward threat of scattering, exile, or defeat. In this regard, the Deuteronomic law code is remarkably similar to the laws that form the Covenant Code. Motive clauses are almost entirely absent from the Covenant Code. The Decalogue does supply such clauses for a few of the commands: Idols are not to be worshipped because YHWH is an impassioned Deity who will not hesitate to punish; false oaths invoking the divine name are not to be uttered because YHWH will not hold innocent one who does so; the Sabbath is to be observed because YHWH also rested on the seventh day; parents are to be honored to ensure long life in the land (cf. Exod 20:5–12). Only a handful of laws in the rest of the Code, however, offer any motive clause at all (see 22:20, 21–23; 23:7–9, 12, 21), and none of these even hints at the possibility of national defeat or exile.

It is difficult to believe that threats of defeat and exile would not have bled through in either the Covenant Code or the Deuteronomic Code had these been present realities for the legists who composed them. It is not enough to argue on form-critical grounds that blessing and curses would only have been outlined in the introductory and concluding materials that surrounded the codes. After all, various laws in both the Covenant Code and the Deuteronomic Code do stipulate consequences that will follow disobedience; it is simply that national defeat and exile do not find a place among these punishments. The absence of any threats concerning removal from the land raises the possibility that the Deuteronomic Code and, by extension, the Covenant Code on which it relies originated at a time when this possibility had not yet become a reality, in other words, prior to the fall of Samaria in 722 BCE. Others have made the case that the codes share a northern provenance, and a date prior to 722 for at least the earliest shape of the codes would accord well with such a suggestion.[12] It would also create a window of opportunity for the development of the Gerizim-Ebal tradition that precedes (11:29–32) and follows (27:1–26) the law code. Not to be overlooked is the fact that the various curses associated with this tradition (27:14–26) also lack any reference at all to either defeat or exile.

3. An Uncertain Fate

If failure and exile are absent from the law code and the Gerizim-Ebal tradition that surrounds it (11:29–27:26), the possibility of such consequences does emerge in the literary frame that encircles this block. The hortatory material in 4:45–

[12] Concerning the northern roots of Deuteronomy, see Weinfeld, *Deuteronomy 1–11*, 44–57; Nicholson, *Deuteronomy and Tradition*, 58–82; Jenks, *Elohist and Northern Traditions*, 119–26.

11:28 (hereafter simply chs. 5–11) and the litany of blessings and curses in 28:1–46 both hold open the possibility of success or failure for the nation. If the people will but obey, conquest of the land, prosperity, and an abundance of divine favor await; if they will not, defeat, famine, and divine wrath are just as certain.

3.1 Deuteronomy 4:45–11:28

Deuteronomy 6 offers a typical example of this sort of alternation. After introducing YHWH's commands in v. 1, vv. 2–3 go on to specify why they should be obeyed, namely "so that you may fear YHWH your God" (למען תירא את־ה׳ אלהיך) by keeping his commandments, "so that you may lengthen your days" (ולמען יארכן ימיך), and "so that it may go well with you and so that you may increase greatly" (אשר ייטב לך ואשר תרבון מאד). Later in the chapter, the promised blessings that would attend obedience are tempered by warnings concerning disobedience (vv. 10–14). When they enter the land, the Israelites must not forget YHWH and turn to other gods "lest the anger of YHWH your God burn against you and he destroy you from the face of the ground" (פן־יחרה אף־ה׳ אלהיך בך והשמידך מעל פני האדמה). Yet, even after these warnings, another positive note is struck in v. 18; Moses again charges the people to do what is right "so that it may go well with you and that you may enter and inherit the land" (למען ייטב לך ובאת וירשת את־הארץ).

What is true of Deut 6 is, in fact, true of all of the block of material that stretches from chs. 5–11. The concluding verses of this section, Deut 11:26–28, present a choice to the people:

> See! I am setting before you today blessing and curse: blessing should you obey the commandments of YHWH your God that I am commanding you today, and curse if you should refuse to listen the commandments of YHWH your God and should instead turn aside from the way that I am commanding you today to follow after other gods that you have not known.

This same opportunity for success or failure is underscored repeatedly in chs. 5–11 as warnings (5:29[13]; 7:4; 8:19–20; 9:6–8; 11:16–17) are balanced with offers of blessing (5:30, 33; 6:24; 7:12–15; 8:1; 11:8–9, 13–15, 21–25).

Of particular importance for our purposes is the fact that no text in chs. 5–11 draws a definitive conclusion concerning the fate that lies before the nation. The exhortations in these chapters remain noncommittal as to whether the nation will succeed or fail in remaining faithful to YHWH and thus whether the nation will remain in the land or be exiled from it. The contrast between these chapters and the punctuated notes of doom found elsewhere in the book (see further below) is quite stark. And yet, it would not be entirely accurate to say these

[13] The tone struck in 5:29 could be read as despairing of the people's obedience, but the surrounding context remains quite positive.

chapters are naïve concerning the possibility of failure. The fact that the text so often expresses hope that the people will endure in the land and so often warns against the possibility that they may not points to a moment of composition when the nation's longevity has been called into question but has not been ruled out completely. The period that would fit this moment is, of course, the window of time after the fall of the North but before the subsequent fall of the South. With Samaria's fall in 722 BCE, the possibility that Judah and Jerusalem might also fall would have been all too real for the remaining inhabitants of the land. And yet, the fact that Assyria's campaign against the South under Sennacherib had failed would hold forth the hope that Judah might yet survive in the land. As these passages reflect, this was a moment when either success or failure lay open before the Judean survivors.

3.2 Deuteronomy 28:1–46

Deuteronomy 28 opens with what appear to be two separate blessing and curse traditions, one found in vv. 3–6 and 16–19, the other in vv. 7–13 and 20–46.[14] These two litanies are held together by an inclusio in vv. 1–2 (ובאו עליך כל־הברכות והשיגך כי תשמע בקול ה׳ אלהיך האלה) and vv. 45–46 (ובאו עליך כל־הקללות האלה ורדפוך והשיגוך ... כי־לא שמעת בקול ה׳ אלהיך), with an additional framing device appearing in v. 15 (אם־לא תשמע בקול ה׳ אלהיך ... ובאו עליך כל־הקללות האלה והשיגוך). Unlike the two appendices in vv. 47–57 and 58–68 that fall outside of this frame (see further below), the earlier blessing and curse traditions in the chapter hold out the possibility of either success or failure on the part of the nation.[15] Of particular note is the fact that these descriptions of success or failure in vv. 1–46 are so closely tied to the nation's fate *in the land*. The promised blessings in vv. 1–14 have to do with the land's fertility, the prosperity that it will produce, and the assurance of protection when enemies attack. The threatened curses in vv. 15–46 focus on the removal of the land's fertility, the onset of famine and disease, and the constant assaults of enemies who raid the land. Yet even in the throes of terrible attacks, the people remain in the land. It is there that their harvests fail, that raiders take the product of field and herd, that children are taken as captives (v. 32), and that "the stranger in your midst" (v. 43) rises above them.

Like chs. 5–11, the early curses in ch. 28 are best understood against the backdrop of the nation's plight in the decades following the fall of Samaria. Viewed through Deuteronomy's theological lens, the Assyrian assault on Samaria was powerful testimony to the sort of curses YHWH had unleashed on the Northern Kingdom and could unleash again on the South. Both 2 Kgs 18–19 and

[14] On the curses in Deut 28, see the important early study by Hillers, *Treaty-Curses*.

[15] It is true that vv. 36–37 countenance exile, but, as I argue below, these verses appear to be a secondary intrusion into a larger passage which did not.

the Assyrian royal annals attest to the heavy toll Sennacherib's campaigns had already taken on Judah.[16] The curses in vv. 1–46 offer ready echoes of these recent military defeats and the threat of further devastation to come if obedience was not forthcoming.

Adding to the likelihood that 28:1–46 derives from this period is the argument by Jeffrey Stackert noted above concerning Deuteronomy's use of Esarhaddon's Succession Treaty. Along with select verses in ch. 13, Deut 28:20–44 is the primary locus for parallels with EST. Stackert's insistence that only a relatively brief window existed after 672 BCE for EST's influence on Deuteronomy aligns quite well with the date suggested here.[17] Indeed, the date Stackert proposes raises what for the authors of this passage must have been a terrifying concern, namely the religious path struck by Manasseh. If the bulk of Deuteronomy was produced between roughly 672 and 650, it would have been composed at a time when Manasseh was king over Judah. In the minds of the book's authors, Manasseh was surely leading Judah down the same path that had led to the destruction of Israel.

Hope seems clearly to have remained, as evidenced by the fact that vv. 1–14 continue to hold out the availability of blessings as divine recompense for the nation's obedience. It is actually the inclusion of this substantial section of blessings that is more noteworthy than the surplus of curses in the latter part of ch. 28. In the broader curse and blessing tradition in the region, curses far outweigh blessings; indeed, it is most often the case that curses alone are incorporated into the sorts of treaties found in Mesopotamia and the Levant. The presence of blessings alongside the curses has served as one leg of support for those seeking to connect Deuteronomy with Hittite treaty forms, which often do include blessings.[18] No convincing vector for the transmission of the Hittite treaty form to Iron Age Judah has yet been established, however, and it has become increasingly clear in any case that the form of Deuteronomy more closely resembles Assyrian, not Hittite, antecedents.[19] If this is the case, though, whence the blessings in ch. 28? As Stackert has noted, these seem likely to have been prompted by Deuteronomy's reliance on the concluding section of the Covenant Code, where blessings (but not curses) are also found (cf. Exod 23:20–33).[20] Deuteronomy

[16] The literature on Sennacherib's campaign against Judah is extensive; a helpful starting point is available in Mayer, "Sennacherib's Campaign," 177–83.

[17] Stackert, *Deuteronomy and the Pentateuch*, 94–99, 159–61.

[18] Mendenhall, "Covenant Forms," 50–76; Mendenhall, "Suzerainty Treaty Structure," 85–100; Kline, *Treaty of the Great King*, 28; Craigie, *Deuteronomy*, 24; Berman, "CTH 133," 25–44; Berman, "Histories Twice Told," 229–50.

[19] The case against Hittite influence is taken up in Levinson and Stackert, "Covenant Code and Esarhaddon's Succession Treaty," 133–36; Stackert, *Deuteronomy and the Pentateuch*, 87–94. See also the debate between Levinson, Stackert, and Joshua Berman in Levinson and Stackert, "Limitations of 'Resonance,'" 310–33, and Berman, "Historicism and Its Limits," 297–309.

[20] Stackert, *Deuteronomy and the Pentateuch*, 103.

supplies its own, expanded section of blessings at the conclusion of its legal materials. Reflecting, however, the fact that failure remains as live an option for the nation as success, ch. 28 also tempers its potential blessings with potential curses drawn from EST.

4. Certain Failure

While the passages treated above hold out the possibility that Judah, at least, might still turn away from idolatry and enjoy YHWH's continued blessing, a number of texts, located mainly in chs. 28–31, take a much dimmer view of the nation's prospects. These texts share the presumption that the nation would inevitably fail to remain faithful to YHWH and would therefore incur certain punishment.

4.1 Deuteronomy 28:36–37, 47–57, 58–68

The litany of blessings and curses in 28:1–46 holds open the possibility of either success or failure on the part of the people. A notable exception to this openness, however, is found in vv. 36–37. Here, in sharp contrast to the rest of the passage, the text takes for granted that the king and the nation will be taken into exile. The intrusive nature of these verses is evident as both the preceding and following context presume the nation's continued presence in the land.[21] More interesting, but less clear, is the question of which nation and which king the interpolation has in mind. While it is true that King Hoshea of Israel was taken prisoner when Samaria fell (2 Kgs 17:4), vv. 1–46 appear to presume a setting in Judah after the fall of Samaria and, thus, vv. 36–37 a later setting still. If this later setting is the

[21] Hans Ulrich Steymans argues that vv. 36–37 are secondary because they find no parallel in EST, which he regards as the direct literary precursor for Deut 28:20–44 (see "assyrische Vorlage," 121, 126). While Nicholas Polk affirms the connection between EST and Deut 13 and 28, he argues that Steymans' treatment of Deut 28:20–44 as essentially a translation of portions of EST moves beyond the evidence. Polk insists vv. 36–37 must form an original part of the curses because these verses fit into an extended chiastic structure that organizes vv. 20–44 (see his "Deuteronomy and Treaty Texts," 164–65). While Polk rightly observes the presence of various repetitions and duplications in this passage, significant questions remain concern the chiastic structure he proposes for the passage. Verses 20–22 and 43–44 are omitted from the structure as he analyzes it, as is v. 36 (note pp. 164, 168). And while some connections are particularly tight (esp. vv. 27–35; noted also by Weinfeld, *Deuteronomic School*, 122), others seem quite forced (e. g., v. 25a–c with v. 41, v. 26 with vv. 38–40, and vv. 23–24 with v. 42). The fact that vv. 36–37 alone countenance exile from the land, coupled with the fact that both the preceding and following context envision curses inflicted upon the nation while they remain in the land, suggests these verses represent a later insertion.

exile, as seems likely, the nation these verses have in mind would be Judah, not Israel, and the king Zedekiah, not Hoshea (2 Kgs 25:6–7).[22]

Standing outside the frame found in vv. 1–2 and 45–46 are two appendices, both consisting solely of curses, that have been added to the original list. Verses 47–57 rank among the most unsettling in all of biblical literature as they describe the invasion of the land by "a nation from far away, from the ends of the earth, sweeping down like an eagle, a nation whose language you do not understand" (v. 49). This "hard-faced nation" (v. 50) will lay siege to every town and city, stripping the land outside these settlements of its produce (v. 51) while those inside are reduced to starvation and even cannibalism (vv. 52–57). Verses 58–68 turn their attention from the enemy invader to Israel's now enemy deity. Where once YHWH "delighted to prosper and increase" the nation, he will now "delight to ruin and destroy" it (v. 63). Israel will be scattered "from one end of the earth to the other" (v. 64) and will find only dread and despair among the nations where they are driven (v. 65).

Though they are cast as warnings of curses that await the Israelites in the future, both vv. 47–57 and 58–68 are surely descriptions of horrors that have already occurred. It is not certain, however, that both appendices have in mind the same events. Verses 58–68 bear a close relationship to a layer of texts that are clearly exilic (4:23–31; 30:1–10; see further below). While verses 47–57 may also be connected to the exile, their immediate concern is siege not scattering. The siege that preceded the fall of Jerusalem may be intended, but other times of crisis cannot be ruled out. The fact that early prophets such as Hosea and Amos so often warn of imminent defeat, destruction, and exile highlights the fact that these sorts of catastrophes were by no means limited to Babylon's assaults on the nation (cf. Hos 5:8–15; 7:10–16; 8:13–17; 10:5–10, 13–15; 11:5–7; 13:1–15; 14:1;

[22] Frank Moore Cross includes vv. 36–37 among the various passages in Deuteronomy and the larger Deuteronomistic History that are "most naturally regarded as coming from the hand of an Exilic editor" *(Canaanite Myth and Hebrew Epic*, 287). It is, of course, true that not every mention of "exile" need be understood as a reference to *the* Exile. Jack Lundbom, for example, notes that exile/deportation was a regular part of Assyrian policy toward conquered peoples and that Israel and Judah experienced five, and possibly six, exiles before 586 (see his discussion in *Deuteronomy*, 782–84). Two points are worth bearing in mind, however. First, it remains the case that vv. 36–37 stand out literarily from the rest of vv. 1–46 as the sole lines in the text concerned with exile. The rest of the text, including the references to stolen sons and daughters in vv. 32 and 41, is firmly situated in the land. It is primarily this literary disjuncture that suggests vv. 36–37 are a secondary insertion, likely incorporated after the exile of the nation and its king had become a reality (on this point, see also Friedman, "Egypt to Egypt," 183–84). Second, the specific mention of the exile of the nation's *king* is noteworthy. Prior to the two-decades long collapse of the Judean monarchy following the death of Josiah, Judah had never experienced this sort of "exile." It was only with the deportations of Jehoahaz (in 609 at the hand of the Egyptians), Jehoiachin (in 597 to Babylon), and Zedekiah (in 586, also to Babylon) that this circumstance changed. While it is conceivable that v. 36 has in mind the deportation of Hoshea, king of Israel, the loss of three Judean kings and the contemporaneous exile of a significant portion of Judah's population seems a more likely referent.

Amos 2:13–16; 3:11–15; 4:2–3, 6–13; 5:1–3, 16–20, 27; 6:7–11, 14; 7:9, 16–17; 8:1–3, 11–14; 9:1–8a). The terrible effects of siege warfare recounted in Deut 28:47–57 are also of a piece with the state to which Samaria was reduced at the hands of Ben-Hadad's Aramean army long before 586 (cf. 2 Kgs 6:24–33). Not to be overlooked is the very real possibility that the three-year long siege that led to Samaria's collapse in 722 BCE informs the text's curses (2 Kgs 17:5; 18:9–10). The destruction of the North at the hands of the Assyrians was every bit as harsh as the eventual destruction of the South at the hands of the Babylonians. And, of course, even if it is conceded that these verses have in mind Babylon's siege of Jerusalem, the fact that they have been appended secondarily to the earlier litany of curses in vv. 1–46 limits their value for dating the book as a whole.[23]

4.2 Deuteronomy 29:19b–26, 27

After an introductory note in 28:69, chs. 29–30 go on to narrate a unique covenant ratification ceremony on the plains of Moab.[24] The ceremony proper begins, as expected, with a reprise of YHWH's care for the nation in the past (29:1–8). The official acceptance of the covenant follows in a section bound by an inclusio in v. 9 (אתם נצבים היום כלכם לפני ה׳ אלהיכם) and v. 14 (עמד היום לפני ה׳ אלהינו). Verses 15–19a follow relatively seamlessly, but Alexander Rofé notes a disjuncture in 19b–20 marked by the two references to curses "written in this book" (כל־האלה הכתובה בספר הזה and ככל אלות הברית הכתובה בספר התורה הזה).[25] The insertion that begins in vv. 19b–20 appears to continue on through at least v. 26, which also ends with another reference to curses "written in this book" (את־כל־הקללה הכתובה בספר הזה).[26] Given its location outside of the curse inclusio in vv. 19b–20 and 26, it is possible that v. 27 was added separately to the passage; but it is clearly distinct from the following v. 28. It is again Rofé who argues convincingly that v. 28, with its contrast between the "secret things" (הנסתרת), which belong to YHWH, and the "revealed things" (הנגלת), which are the concern of YHWH's people, was originally joined to vv. 15–19a and their emphasis on the hidden sins of the individual.[27]

---

[23] Both Deut 28:48 and Jer 28:14 use the phrase "iron yoke" (על ברזל) to describe the enemy's oppression of the people. Though the oppressor in Jeremiah's case is clearly Babylon, it remains unclear whether Deuteronomy had in mind the same enemy or was referring instead to Assyria. It would certainly be within Jeremiah's rights to reapply Deuteronomy's phrase to a new circumstance.

[24] For proposals concerning the boundaries of the Deuteronomic materials related to the covenant at Moab, see Levenson, "Who Inserted the Book of the Torah?" 208–12; Rofé, *Deuteronomy*, 193–203; Lohfink, "Der Bundesschluß im Land Moab."

[25] On the various layers in vv. 21–27, see Rofé, *Deuteronomy*, 196–99.

[26] Note that vv. 21–27 also shift the focus of the text from the individual to the nation as a whole.

[27] Rofé (*Deuteronomy*, 196) notes that this connection was made as early as the Talmud (Sanhedrin 43b) and was carried over by the Parshanim but largely missed by modern inter-

Whether 29:19b–26 and 27 were added to the passage separately or as a unit, they remain literarily distinct from the original account of the covenant ratification ceremony that occupies the rest of ch. 29. It also seems clear that they derive from a late, likely exilic layer of the book. This is certainly the case for v. 27, which speaks explicitly of exile ("And YHWH uprooted them from their land in anger and fury and great wrath, and he cast them into other lands, as it is this day"). The hyperbolic nature of vv. 19b–26 offers more heat than light in terms of narrowing the date for the text's composition as the calamities described in the passage capture the spirit of severe national devastation but offer little in the way of straightforward reflections of the events they depict. The fact, however, that these verses refer so often to curses "written in a book" (vv. 19, 20, 26) suggests they must be late as well. Moses is not said to write down the book of the law until 31:9, and those references to a "written book" (כתב + ספר) of the law in Deuteronomy derive, without exception, from late compositional layers (28:58, 61; 30:10; 31:24, 26). This suggests all of v. 19b–27 represents an exilic supplement to the chapter.

4.3 Deuteronomy 32:1–43

A significant portion of Deuteronomy 31 appears to be occupied with introducing the so-called Song of Moses in 32:1–43. Before turning to these introductory sections, however, the nature of the Song itself bears consideration. As others have noted, the Song of Moses follows the contours of a prophetic lawsuit.[28] First, witnesses are called (vv. 1–3), then the accusation is lodged against the people (vv. 4–6). A rehearsal of YHWH's past deeds on behalf of the nation (vv. 7–14) highlights the gravity of the people's perfidy in the subsequent indictment (vv. 15–18). Finally, the sentence is handed down (vv. 19–25). Of particular interest is the unexpected turn the Song takes in v. 26 as YHWH expresses concern that his punishment of his people might be interpreted by the nations as a failure on his part (vv. 26–31). The result is that YHWH redirects his wrath toward those nations and thus preserves his people (vv. 32–43).

The accusation and indictment segments of the Song stand with the other passages considered in this section in that they presume national failure and apostasy. What sets this composition apart, however, is the fact that these failings are not viewed as some inevitable crisis *for the future*. On the contrary, the rebellion

---

preters. Jon Levenson ("Who Inserted the Book of the Torah?" 208) prefers to see v. 28 as a pious gloss from a later hand.

[28] See the influential treatment by Wright, "The Lawsuit of God," 26–67. Boston does not deny the prophetic influence on the form of the Song but insists it is strongly connected to wisdom traditions as well ("Wisdom Influence," 198–202). Matthew Thiessen argues persuasively that while Wright was correct to observe in the Song elements of a prophetic lawsuit, the Song itself derives from a liturgical setting and may be considered "a hymn that contains a covenant *rîb*" ("Form and Function," 421).

that the Song describes is one that has, even from the poet's perspective, already occurred. Verses 15–21, which narrate the people's abandonment of their rightful God, do so through a combination of *wayyiqtol* (וישמן, ויבעט, ויטש, וינבל, ותשכח, וירא, וינאץ, ויאמר), perfect (שמנת, עבית, כשית, ידעום, קנאוני, בעסוני), and preterite (יקנאהו, יכעיסהו, יזבחו, תשי) verbs.[29] A similar situation adheres in vv. 26–30, as perfect (אמרתי, רמה, פעל, חכמו, מכרם) and preterite (אגור, ירדף, יניסו) forms narrate YHWH's cessation from punishment for the sake of his reputation among the nations. From the poet's perspective, Israel has already rebelled, and punishment has already taken place; there is now a pause in which the nations YHWH used as the instrument of his wrath should come to acknowledge his sovereignty (vv. 28–33). Soon, *but still future from the poet's perspective*, YHWH will turn the tables as he delivers his people and punishes their adversaries (vv. 34–43).

There is little to suggest that the Song's original setting was connected with the fall of either Samaria or Jerusalem. The nation's devotion to other gods (vv. 16–17, 21) offers scant guidance since this accusation could be lodged at essentially any moment in the pre-exilic period. The same could be said concerning the various punishments countenanced by the Song; the litany of misfortunes in vv. 19–25 could be tied to any number of difficulties and attacks faced by the nation. The description of the punishing enemy as a "no folk" (לא־עם) and a "nation of fools" (גוי נבל) certainly falls short of the terrifying descriptions of Assyria and Babylonia found elsewhere in the Hebrew Bible (or even in Deuteronomy!). Nor does the song's implication that the enemy was able to achieve victory despite Israel's vast numerical superiority (v. 30); biblical authors take quite the opposite tack in comparing the forces of Israel to those of Assyria or Babylonia (cf. 2 Kgs 18). It is also noteworthy that the Song makes no reference to the themes of exile and captivity, on the defeat side of the ledger, or repentance on the restoration side. The combination of these factors and the Song's unique linguistic features lends support to the notion that the Song was composed relatively early in the monarchy and only later incorporated into Deuteronomy.[30] If

[29] The use of the preterite is particularly clear in יכעיסהו and יקנאהו. Anson Rainey ("Ancient Hebrew Prefix Conjugation," 13–16) has demonstrated that prefixed forms that narrate the past take pronominal suffixes with *h* whereas formally identical jussive forms take suffixes with *nn* (energic *nun*). Edward Greenstein ("Prefixed Preterite," 8) notes that the Masoretes were inconsistent in their use of the short form in the *Hiphil* (as in ויכעיסהו). Thus, we find אז יַקְהֵל in 1 Kgs 8:1 but אז יַבְדִּיל in Deut 4:41 despite the fact that both narrate the past.

[30] The numerous and varied proposals for the provenance of the Song of Moses are comprehensively surveyed by Sanders (*Provenance of Deuteronomy 32*), who concludes the Song must be pre-exilic but hesitates to specify a particular date (pp. 431–36). David Robertson's study of the linguistic features of early Israelite poetry suggests a date in the eleventh to tenth centuries (*Linguistic Evidence*, 153–56). Nigosian ("Linguistic Patterns of Deuteronomy 32," 223–24) finds a mixture of early and late forms that he argues are best explained if the Song belongs to the period of transition between the tenth and eighth centuries. If Thiessen is correct in the liturgical setting he proposes for the Song, the combination of earlier and later features it exhibits could be

this is the case, the Song itself can only provide limited insight into the date of Deuteronomy's composition; more probative in this regard are the passages in ch. 31 that appear to have accompanied the Song's inclusion in the book.

4.4 Deuteronomy 31:16–22

In Deuteronomy's present form, the Song of Moses in 32:1–43 is immediately preceded by the short note in 31:30: "Then Moses spoke the words of this song in the hearing of the whole congregation of Israel, to the very end." While this notice fits comfortably enough with the Song that follows, it marks a jarring contrast with the paragraph that precedes it. Verses 24–29 make no explicit mention of the Song and are concerned instead with Moses' writing down "the words of this Torah" (דברי התורה־הזאת) and entrusting "this book of the Torah" (ספר התורה הזה) to the Levites who carry the Ark of the Covenant. Nor, if we reach back further, does v. 30 exhibit a clear connection to v. 23, which again is not concerned with the Song but rather has to do with Moses' charge to his successor Joshua. The reader must go back to vv. 16–22 to finally land upon a text that is directly related to the Song. It is only here that Moses is commanded to "write down this song (השירה הזאת) and teach it to the Israelites" (v. 19a), that he is told to "put it in their mouths so that this song may be my witness against the Israelites" (v. 19b), and that he is said to actually write down the song and teach it to the people (v. 22).[31] Importantly, vv. 16–22 are as distinct from the paragraphs that precede them as they are from those that follow. An obvious break is evident between vv. 16–22 and vv. 14–15 and their unexpected references to the tent of meeting. Despite its frequent appearance in other Pentateuchal sources, the tent of meeting occurs nowhere else in the book of Deuteronomy and is found only four times in the entirety of the Deuteronomistic History (cf. Josh 18:1; 19:51; 1 Sam 2:22; 1 Kgs 8:4).[32] Verses 14–15 are also notable for their concern with the commissioning of Joshua, a subject that continues only in the aforementioned v. 23. It could be argued that vv. 14–15, 23 are the intruding material, which is likely correct so far as it goes.[33] But, vv. 16–22 do not link up with vv. 9–13 either;

---

the result of changes in vocabulary and style that crept in as the Song was "passed down orally through cultic officials" ("Form and Function," 422).

[31] That multiple strands of tradition are present in ch. 31 has long been recognized. The essential contours of the chapter's sources are already delineated in Samuel Driver's 1895 commentary (which itself draws upon the insights of earlier critics), and Levenson's description of the chapter as "a quiltwork of varying passages" remains the majority position today (see Driver, *Deuteronomy*, 333–44; Levenson, "Who Inserted the Book of the Torah?" 209–12). On the sources present in the chapter and the basis for their division, see the discussion in Nelson, *Deuteronomy*, 354–57.

[32] On the nature of the tent, see Weinfeld, *Deuteronomic School*, 191 n. 2.

[33] Driver (*Deuteronomy*, 336–39) assembles both linguistic and thematic arguments to demonstrate that all of vv. 14–23 derives from a source other than D. Within this section, he distinguishes between vv. 14–15, 23, which he assigns to JE, and vv. 16–22, which he admits

these verses remain quite positive about the nation's future in the land, whereas vv. 16–22 anticipate certain failure.

Given this state of affairs, it is not surprising that 31:16–22 is widely regarded as a distinct unit that served as Deuteronomy's original prose introduction to the Song of Moses in ch. 32.[34] If this is indeed the case, the contents of this introduction may give us some indication as to when the Song was incorporated into Deuteronomy. Of particular note is the fact that vv. 16–22 open with YHWH's warning to Moses that that the people will, without doubt, abandon him for other gods, and YHWH will just as certainly forsake the people when they do (vv. 16–17). In the face of trouble, the people will call on other gods, but the one true God will in turn hide his face and refuse to help them (v. 18). YHWH instructs Moses to write down the Song so it can serve as witness in the indictment against the people when their suffering inevitably arrives (vv. 19–21).

In light of the strongly pessimistic tone of the passage, Richard Elliott Friedman argues that vv. 16–22, 28–30 are part of an exilic expansion of the original version of the Deuteronomistic History, which had culminated in the figure of Josiah. When Josiah's reforms ultimately failed and Judah itself fell, a second Deuteronomistic editor found it necessary to update the first history to account for the disaster of exile.[35] Mark Leuchter agrees with Friedman that the passage is written in light of an experience of exile, but he argues that it is the

---

stand at a greater distance from JE and may have been inserted subsequent to the former passage. Joseph Estlin Carpenter and George Harford-Battersby align with Driver in assigning vv. 14–15, 23 to JE in their delineation of the Hexateuchal sources (*Hexateuch*, II:295). Gerhard Von Rad suggests the verses derive from the Elohist since they share this source's depiction of the tent of meeting as a "tent of revelation" rather than P's place of permanent divine presence (*Deuteronomy*, 189). Martin Noth moves in a different direction, arguing the verses represent a secondary Deuteronomistic addition, which was composed under the influence of 31:1–8 (*History of Pentateuchal Traditions*, 32 n. 126; 176 n. 496). A similar tack is followed by Erhard Blum, who connects vv. 14–15, 23 with various Sinai-related passages in the "D-Komposition" layer he proposes (*Komposition des Pentateuch*, 85–88). Baden argues convincingly that the verses in question (as well as the texts that form the Deuteronomic layer proposed by Blum) are better understood as part of E (*Redaction of the Pentateuch*, 185–88).

[34] Weinfeld (*Deuteronomic School*, 10 n. 2; 83 n. 2) argues that vv. 16–22 constitute an Elohistic introduction that presented the Song as a "witness" against the nation and subsequently spurred "the author of Deuteronomy to present also the Deuteronomic Torah as a witness for the future generations." See also Levenson ("Who Inserted the Book of the Torah?" 211–12) who argues, "Unlike 31:24–29, 31:16–22 always was the introduction to the song of 32:1–43." On the relationship between vv. 16–21 and vv. 24–29, see further below.

[35] Friedman, "Egypt to Egypt," 178–80. The notion of two editions of the Deuteronomistic History, one pre-exilic and connected with Josiah's reforms (Dtr^1) and another exilic and connected with the collapse of the Judean monarchy (Dtr^2), was advanced by Cross (*Canaanite Myth and Hebrew Epic*, 274–89), whose research Friedman's study works to extend. Cross's proposal served as a direct challenge to Noth's influential treatment of the History as an exilic composition (see esp. his *History of Pentateuchal Traditions*). A comprehensive overview of the various proposals for the composition of the Deuteronomistic History is available in Römer, *So-Called Deuteronomistic History*.

deportation of *northern* Israelites, not *southern* Judeans, that the introduction has in mind.[36] Of particular importance in Leuchter's argument is the fact that the Song must have been joined to the Deuteronomic legislation at a date early enough for Jeremiah to draw upon *both*. Jeremiah 2:7 and 3:1 seem clearly to draw upon the legislation in Deut 24:1–4, for example, and numerous echoes of the Song are present in Jer 2:8, 11–13, 25, 28.[37] The Song also appears to have served as the basis for Jeremiah's *rîb* against the North (esp. Jer 2–4) and to have contributed to Jeremiah's own self-understanding as a "prophet like Moses" (Jer 1:9; cf. Deut 18:18).[38]

Further indication of the pre-exilic composition of vv. 16–22 is found in the nature of the punishments these verses describe. While this prose introduction takes the nation's infidelity and YHWH's subsequent judgment to be inevitable – doubtless because both are present realities for the text's author – it makes no mention of exile.[39] When the people forsake YHWH and break his covenant, he insists: "My anger will burn against them, and I will abandon them, and I will hide my face from them" (v. 17); "I will indeed hide my face from them" (v. 18). But the punishments that are foretold for them are of a quite general nature; it is said only that they will become "something to be devoured" (v. 17) and that "great evil and distress" will come upon them (v. 17, 21). Importantly, this relatively vague description of the nation's misfortunes stands in sharp contrast to the passages Friedman elsewhere proposes as part of the exilic updating of the Deuteronomistic History (cf. 1 Kgs 9:6–9; 2 Kgs 21:8–15; Deut 4:25–31; 28:36–37, 63–68; 29:21–27; 30:1–10, 15–20).[40] Deuteronomy 31:16–22 lacks altogether the language of being scattered, cut off, uprooted, and driven from the land that each of these contains. This aspect of vv. 16–22 is noted by Paul Sanders, as well, who leans toward a date for the introduction at the very beginning of the exile but

[36] Leuchter, "Song of Moses," 295–317. At a minimum, the Song of Moses in 32:1–43 (in contrast to the so-called "Blessing of Moses" in ch. 33) must have been incorporated into the book prior to the composition of the exilic preface in 4:1–40 which alludes to it (Leuchter, "Song of Moses," 299–300).

[37] Leuchter, "Song of Moses," 304–5.

[38] See Holladay, "Jeremiah's Self-Understanding," 153–64; Holladay, "Jeremiah and Moses," 17–27; Holladay, "Elusive Deuteronomists," 63–66, 73–74; Hibbard, "True and False Prophecy," 339–58.

[39] Sanders (*Provenance of Deuteronomy 32*, 347–48) notes that though 31:16–22 relies heavily upon the language of the Song, it draws solely from that portion of the Song that recounts the nation's sinfulness (vv. 1–25); it leaves untouched the language of the Song's more hopeful second half (vv. 26–43). This disregard for the Song's expectation of divine deliverance underscores the pessimistic outlook of the prose author and marks a significant contrast with other, apparently exilic passages that anticipate future repentance and relief (cf. 4:23–31; 30:1–10). See also Nelson, *Deuteronomy*, 360–61.

[40] Friedman, "Egypt to Egypt," 175–85. Friedman adds to this list Deut 8:19–20. While this passage may derive from an exilic context, its connection with the exile is clearly less certain than the other texts in question.

admits it could also have been written in the late pre-exilic period from the reign of Manasseh down to the fall of Jerusalem.[41] While Leuchter ultimately links the integration of these materials into Deuteronomy to the reign of Josiah, none of the arguments he adduces would preclude a modestly earlier date in the seventh century.[42] This, of course, would fit well with Stackert's proposal, noted above, for the emergence of the first version of Deuteronomy.[43]

4.5 Deuteronomy 31:24–29

While 31:16–22 was doubtless the original prose introduction supplied for the Song of Moses when it was woven into Deuteronomy, it is not the passage that immediately precedes the Song in the final form of the book. Standing between this passage and the Song lie v. 23 (an Elohistic fragment originally connected with vv. 14–15) and vv. 24–30. Verses 24–29 are of particular interest as they parallel much of the content of 31:9–13. In the earlier passage, Moses is cast as finishing the writing of the law and giving it to "the priests, the sons of Levi" (הכהנים בני לוי; v. 9), along with instructions for the future reading of the book at a septennial Sukkoth celebration (vv. 10–13). In the second version, vv. 24–29, Moses is once again described as finishing the writing of the law (v. 24) and giving it to "the Levites" (הלוים) who are supposed to place the "book of the law" beside the ark of the covenant as a witness against the Israelites (vv. 25–26).

Alongside these similarities, however, we also find a number of significant differences. Verses 24–29 make no mention of the septennial reading of the Torah that dominates vv. 9–13, and, for its part, vv. 9–13 lack any reference to the role the book of the Torah is to serve as a witness against the people. Of a piece with these differences is the fact that the two accounts maintain substantially different expectations concerning the nation's prospects. The first, in vv. 9–13, is quite bullish in its assessment of Israel's future in the land. Through the aforementioned reading of the law at Sukkoth, the people will "hear and learn to fear YHWH your God all the days that they live in the land" (v. 13). The second account expresses no such confidence. Here, the scroll functions as a witness (v. 26) because it anticipates the people's inevitable failure. Moses laments, "I know your contentiousness and your stubbornness. If you have been this rebellious while I am alive and with you, how much more after I am dead!" (v. 27). He goes on in v. 29

[41] Sanders, *Provenance of Deuteronomy 32*, 345.

[42] Leuchter ("Song of Moses," 315–17) ultimately associates the Song with a Shilonite author who offers a critique of the actions of kings such as Saul, Solomon, and Jeroboam, at whose hands the priests of Shiloh had suffered in various ways. He suggests the incorporation of the Song into Deuteronomy was in keeping with the Deuteronomists' goal of advancing "an ideological system that breaks with the Wisdom tradition of the royal courts and which purports to returns [*sic*] to the old Levitical standards of the pre-monarchic period."

[43] Stackert, *Deuteronomy and the Pentateuch*, 149–55.

to voice his certainty that the people will rebel after his death and that YHWH will inevitably bring trouble upon them.[44]

Perhaps the most difficult question in ch. 31 concerns the function that vv. 24–29 are intended to serve in it. These verses give instructions concerning "this Torah," but then so do vv. 9–13. They give voice to a profound pessimism concerning the nation's future fidelity, but so do vv. 16–22. What literary or theological lacuna then did these verses seek to fill? While it is difficult to be certain, it seems likely that vv. 24–29 were meant to be read as a supplement to the original prose introduction to the Song supplied by vv. 16–22.[45] Appearing as they do *after* Moses had finished writing down the law in v. 9, the Song and its prose introduction are effectively separated from the "Torah" that vv. 9–13 describe. The Deuteronomic Torah is written (v. 9), and the Song is written (v. 22), but the latter is not clearly a constituent part of the former. Verse 24 resolves this problem. When it notes, "And when Moses finished writing the words of this Torah," it serves to integrate the writing of the Song into the Deuteronomic Torah.[46] There should be no need, of course, for the people to be gathered again in v. 28; they are already present. But just as vv. 24–29 felt the need for the Song and its introduction to be explicitly joined to the "book of the Torah," they apparently also felt the need to emphasize that the people were assembled to hear what were, at least at that stage of the book's composition, the final strains of the Torah's message. Whether intentionally or not, vv. 24–29 ultimately serve as a bridge between the hopeful tone struck in vv. 9–13 and the quite negative tenor of the Song and its introduction. Importantly, vv. 24–29 (and especially vv. 24–26) accomplish this feat by pairing the law-related language of vv. 9–13 with language that seems clearly to have been drawn from the Song (see further below).

[44] Friedman ("Egypt to Egypt," 179) connects vv. 24–27 to vv. 9–13, but as Levenson underscores, the former passage's emphasis on the certainty that Israel will fail is not shared by vv. 9–13 (see "Who Inserted the Book of the Torah?" 211). Friedman also argues that vv. 16–22 were originally coupled with vv. 28–30 as part of what he regards as Dtr^2's exilic insertion of the Song into the book ("Egypt to Egypt," 179–80). This can hardly be the case, though, given the fact that the former passage consists of YHWH's charge to Moses and the latter of Moses' charge to the people, with no intervening notification in the text to mark the change in speaker.

[45] See Nelson, *Deuteronomy*, 355–56. As Friedman notes, v. 24 is an example of epanalepsis, necessary to resolve the editorial difficulty of Moses' writing the Song into the scroll after it had already been handed over to the Levites in v. 9 ("Egypt to Egypt," 179). At the other end of the insertion, v. 30 serves as a repetitive resumption that returns to the Song after the intervening verses concerning the law.

[46] Von Rad (*Deuteronomy*, 190) notes that the language of "write," "teach," "put in the mouth," and "witness" in vv. 16–22 more properly belongs to legal documents than to a song. His suggested emendation of שירה in the passage to תורה is unnecessary, however. In the first place, the Song of Moses that vv. 16–22 introduce is no ordinary song but rather, as Thiessen has argued, "a hymn that contains a covenant *rîb*" ("Form and Function," 421); legal language is not inappropriate in such a covenant lawsuit. Additionally, it seems likely that the liberal use of law-related language in the introduction represents the author's own attempt to incorporate the Song into the Deuteronomic Torah. Thus, the supplement in vv. 24–29 only makes explicit what was already implicit in vv. 16–22.

Unfortunately, despite the passage's quite pessimistic tone, the curses it outlines fail to mention any particular military defeat or exile. Moses says only, "Evil will befall you in future days, because you will do what is evil in the eyes of YHWH, provoking him with the works of your hands" (v. 29). The specific form of this "evil" (הרעה) is left unspecified. Levenson acknowledges that vv. 24–29 (and vv. 16–22 for that matter) lack specific thematic markers that would associate them with the exile. He argues, however, that lexical connections with the apparently exilic Deut 4:1–40 link these verses to the exile as well.[47] But while Levenson's methodology is sound, the looked-for connections to 4:1–40 ultimately remain elusive. It is true that "heaven and earth" are called as witnesses in both 31:28 and 4:26, that the verb כעס ("to vex") appears in both 31:29 and 4:25, and that the verb שׁחת ("to act corruptly") is found in both 31:29 and 4:16, 25, 31; in each of these cases, however, it is more likely that the relevant verses in 31:24–29 have been influenced by the Song of Moses in ch. 32 than by ch. 4 (cf. 32:1, 5, 16, 19, 21, 27). In the end, the only significant lexeme shared by 31:24–29 and 4:1–40 and *not* clearly found in ch. 32 is the phrase באחרית הימים ("at the end of days," i. e., "in days to come"; cf. 31:29 and 4:30). Yet, even here, the Song's expression אחריתם ("their end"; 32:20, 29) could well serve as the source for ch. 31's phrase. Thus, while it is quite possible that vv. 24–29 derive from an exilic context, a supposed connection with 4:1–40 offers little support for suggestion. The fact that vv. 24–29 appear to be a supplement to the first introduction to the Song does suggest that we should look for a date subsequent, at least, to vv. 16–22. It is unclear, however, how much later we should suppose the passage to be.[48]

5. Failure Followed by Repentance

Alongside the passages treated in the preceding section, we may also place two other passages which presume a time of national failure: Deut 4:23–31 and 30:1–10. Unlike the previous texts, however, these two passages anticipate not only exile as punishment for idolatry but also exilic repentance and restoration.

5.1 Deuteronomy 4:23–31

After one of the book's many prohibitions against idolatry in 4:23–24, vv. 25–28 offer an extended warning concerning the nation's future in the land. In days to

[47] See Levenson, "Who Inserted the Book of the Torah?" 212–18.

[48] The same arguments adduced above concerning the date of 31:16–22 apply to vv. 24–29 as well. Like vv. 16–22 and unlike the passages more confidently identified as exilic by Friedman (cf. 1 Kgs 9:6–9; 2 Kgs 21:8–15; Deut 4:25–31; 28:36–37, 63–68; 29:21–27; 30:1–10, 15–20), vv. 24–29 lack altogether the language of scattering and deportation (see Friedman, "Egypt to Egypt," 175–85).

come, when the people have brought forth "children and grandchildren and have grown old in the land," they may be tempted to corrupt themselves and provoke YHWH by making idols (v. 25). Should they do so, Moses insists that heaven and earth stand as witnesses to the terrible punishments that will ensue: the Israelites will quickly perish from the land; they will be scattered among the nations where they will be compelled to serve trivial gods of wood and stone (vv. 26–28). It is the concluding word of reassurance in vv. 29–31, however, that makes the text stand out.[49] There, Moses comforts the people that even in exile ("from there," משם) if they seek and search for YHWH with all their heart and soul, YHWH will be compassionate and respond to them.

While there is nothing in 4:23–31 that would specifically exclude a setting in the years following the fall of Samaria, an exilic reading seems far more likely. It is true that a prophet like Isaiah ben Amoz could hope for a time when Assyria would cease to be the instrument of YHWH's wrath and would instead become its object (cf. Isa 10:5–15; 14:24–25), and there are scattered references in the prophet's messages to a time of restoration that might follow (10:20–25; 11:10–16). It is not until the time of Jeremiah, however, that repentance and restoration *subsequent to exile* become major prophetic themes (cf. Jer 24:4–7; 29:11–14; 30–31). Importantly, even these messages limit the word of hope to those *in exile*; for those who remain in Judah, the prophet's message is still one of doom (cf. Jer 24:8–10; 29:16–19). Like 1 Kgs 8:46–51 and the aforementioned passages from Jeremiah, Deut 4:23–31 and its "anticipation" of exile followed by repentance fits best in a time when that exile had become a reality.[50]

5.2 Deuteronomy 30:1–10

As the parallels below demonstrate, 4:23–31 shares substantial verbal overlap with 30:1–10:[51]

[49] Wolff argues vv. 29–31 were added secondarily to vv. 25–28. See his "Kerygma des deuteronomistischen Geschichtswerks," 182–83. As the discussion below indicates, however, the pattern of verbal overlaps with 30:1–10, which stretches across all of vv. 23–31, and the evident literary structure in the verses suggests the entire block was added as a single unit.

[50] As noted previously, deportation was a persistent threat in the ancient world, such that the mere mention of exile is not enough to locate a text after the momentous events at the turn of the sixth century. Levenson is surely correct, though, when he observes, "When, however, the text promises that once in exile, Israel can still return, this presupposes an exilic audience" ("Who Inserted the Book of the Torah?" 208 n. 18).

[51] The relationship between Deut 4 and 30 is also explored at length by Levenson ("Who Inserted the Book of the Torah?" 203–33). See also Weinfeld, *Deuteronomy 1–11*, 214–17; Knapp, *Deuteronomium 4*, 128–63; Lohfink, "Neue Bund im Deuteronomium," 114–15; Brettler, "Literary Sermon," 33–50; Brettler, "Deuteronomy 30:1–10," 183–88.

30:1–10		4:23–31	
v. 2 v. 8	ככל אשר־אנכי מצוך היום את־כל־מצותיו אשר אנכי מצוך היום	כל אשר צוך ה׳ אלהיך	v. 23
v. 2	אתה ובניך	בנים ובני בנים	v. 25
v. 5	אשר־ירשו אבתיך וירשתה	לרשתה	v. 26
v. 3	הפיצך ה׳ אלהיך שמה:	והפיץ ה׳ אתכם בעמם	v. 27
v. 2 v. 6 v. 10	בכל־לבבך ובכל־נפשך בכל־לבבך ובכל־נפשך בכל־לבבך ובכל־נפשך	בכל־לבבך ובכל־נפשך	v. 29
v. 1	כל־הדברים האלה	כל הדברים האלה	v. 30
v. 2 v. 8 v. 10	ושבת עד־ה׳ אלהיך ושמעת בקלו ואתה תשוב ושמעת בקול ה׳ כי תשמע בקול ה׳ אלהיך	ושבת עד־ה׳ אלהיך ושמעת בקלו	v. 30
v. 3	ורחמך	אל רחום	v. 31
v. 9	כאשר־שש על־אבתיך	את־ברית אבתיך אשר נשבע להם	v. 31

Alongside these connections, we should also add a number of terms that appear to be linked as deliberate antitheses: Whereas 4:27 threatens, "YHWH will scatter you among the peoples" (והפיץ ה׳ אתכם בעמים), 30:3 comforts, "He will gather you from the peoples" (וקבצך מכל־העמים); while 4:27 warns, "YHWH will drive you there" (ינהג ה׳ אתכם שמה), 30:4 reassures, "From there, YHWH your God will gather you, and from there he will take you" (משם יקבצך ה׳ אלהיך ומשם יקחך).

As important as the terminological overlap in the two passages is their thematic connection: alone in the book of Deuteronomy, 4:23–31 and 30:1–10 anticipate not only the nation's exile but also the possibility of restoration. The arguments for the exilic provenance of the former passage apply, of course, with equal force to the latter. Indeed, the combination of verbal and thematic overlap between the two suggests they were compositionally related.

5.3 Deuteronomy 4:23–31 and 30:1–10 in Context

Of particular importance for tracing the development of Deuteronomy as a whole is the fact that both 4:23–31 and 30:1–10 are literarily distinct from their surrounding contexts. Despite numerous attempts to argue for the unity of 4:1–40, it seems likely that vv. 23–31 stand apart from the long "sermon" that surrounds them.[52] In the first half of the speech, Moses highlights the uniqueness that will

[52] Levenson ("Who Inserted the Book of the Torah?" 203–7) makes perhaps the strongest case for the unity of 4:1–40. See also Lohfink, "Auslegung deuteronomischer Texte, IV," 250–53; Brettler, "Literary Sermon." I recognize that "sermon" is a somewhat imprecise term for the contents of vv. 1–40, as Brettler has amply demonstrated.

belong to Israel if the nation observes YHWH's commands. Other peoples will praise Israel, saying, "Surely, a people wise and discerning is this great nation!" (v. 6). After all, Moses asks, "What great nation is there whose god is as close to it as YHWH our God whenever we call upon him?" (v. 7), and "What great nation has such righteous statutes and judgments as all this instruction I am setting before you?" (v. 8). Though they saw no form of God – and thus should not attempt to make an image of him – Israel had heard the very voice of YHWH speaking to them from the fire (vv. 11, 15). And though YHWH had assigned to "all the peoples under all the heavens" the heavenly host as deities, it was the people of Israel whom he had taken "from the iron furnace, from Egypt, to be his own people" (v. 20). Verses 23–31 interrupt these themes, which resume again only in vv. 32–40. It is not until v. 32 that the uniqueness of Israel and of the nation's relationship with YHWH once again comes to the fore. Here again, Moses insists nothing so great as this had ever happened before (v. 32); no other people had heard the voice of a god speaking from the fire and lived (v. 33; cf. vv. 11–15); no other god had ventured to go and take for himself one nation from the midst of another (v. 34; cf. v 20). In vv. 23–31, the themes of the uniqueness of Israel and the unprecedented nature of YHWH's actions are nowhere to be found. Instead, the focus turns, as discussed above, to Israel's inevitable failure in the land and the people's eventual repentance and restoration in exile.[53]

The distinctiveness is of 4:23–31 is further underscored by the tight literary structure that binds the passage together. An inclusio is formed as vv. 23–24 first charge the people to take care "lest you *forget the covenant*" (פן־תשכחו את־ברית ה׳) because YHWH is a "jealous God" (אל קנא) before v. 31 finally comforts the people that YHWH is also a "compassionate God" (אל רחום) who will not "*forget the covenant* with your ancestors" (ולא ישכח את־ברית אבתיך). Furthering the chiastic structure of the section is the balance of the warning in vv. 25–26 that idolatry would cause the people to perish from the land and not endure with the promise in vv. 29–30 that searching and seeking for YHWH would enable them to once again find him. At the very center of the chiasm is the threat of exile in vv. 27–28: "YHWH will scatter you among the peoples and only a few of you will remain among the nations where YHWH will drive you."[54]

Turning to 30:1–10, there is a sharp disjuncture between vv. 1–10 and 11–20, as the former passage takes the failure of the people as a given while the latter dramatically underscores the people's continued ability to succeed (esp. v. 14). Connections with the preceding material are equally tenuous. As noted pre-

[53] Note that the central portion of Moses' speech consistently alternates between passages that focus on the divine voice from the fire (vv. 9–14, 32–33, 35–36) and passages that recall YHWH's deliverance through the exodus (vv. 15–20, 34, 37–38). Verses 23–31 interrupt this pattern.

[54] The chiastic structure of this section is suggested by Weinfeld's description of the "antithetical structure" of the passage (*Deuteronomy 1–11*, 207, 221–23).

viously, 29:28 bears no connection at all to 30:1 ff. and should, in fact, be connected with 29:15–19a. Verse 27 does countenance exile, but this verse appears to be a secondary updating of vv. 19b–26, which do not address the exile at all, rather than an introduction to ch. 30.

If 30:1–10 was not originally connected with the texts that form its present context, however, the mention of "blessing and curse" (הברכה והקללה) in v. 1 does provide a clue for its original setting, namely the litany of blessings and cursings in ch. 28. The verbal overlap between 30:1–2, 10 and ch. 28, especially the scaffolding in 28:1–2, 15, 45 that organizes the chapter, is extensive:

Deuteronomy 28		Deuteronomy 30	
v. 2	ובאו עליך כל־הברכות האלה	v. 1	כי־יבאו עליך כל־הדברים האלה הברכה והקללה
v. 15	ובאו עליך כל־הקללות האלה		
v. 45	ובאו עליך כל־הקללות האלה		
v. 1	אם־שמוע תשמע בקול ה׳ אלהיך	v. 2	ושבת עד־ה׳ אלהיך ושמעת בקלו
v. 2	כי תשמע בקול ה׳ אלהיך		
v. 15	אם־לא תשמע בקול ה׳ אלהיך	v. 10	כי תשמע בקול ה׳ אלהיך
v. 45	כי־לא שמעת בקול ה׳ אלהיך		
v. 1	אנכי מצוך היום	v. 2	אשר־אנכי מצוך היום
v. 15	אשר אנכי מצוך היום		
v. 45	אשר צוך		
v. 1	לשמר לעשות את־כל־מצותיו	v. 10	לשמר מצותיו וחקתיו
v. 15	לשמר לעשות את־כל־מצותיו וחקתיו		
v. 45	לשמר מצותיו וחקתיו		

Alongside these verbal overlaps, we also find YHWH's "scattering" the people (הפיצך; v. 3, cf. 28:64), "the ends of the heavens" (בקצה השמים; v. 4, cf. "the ends of the earth" in 28:49, 64), "possessing the land" (אל־הארץ אשר־ירשו אבתיך וירשתה; v. 5, cf. 28:21, 63), "making prosperous and numerous" (והיטבך והרבך; v. 5, cf. 28:63), "the fruit of your womb, the fruit of your livestock, and the fruit of your ground" (בפרי בטנך ובפרי בהמתך ובפרי אדמתך; v. 9, cf. 28:4, 11, 18, 51, 53), "delight" (לשוש עליך לטוב כאשר־שש על־אבתיך; v. 9, cf. 28:63), and "give prosperity" (והותירך; v. 9, cf. 28:11). Importantly, this language is entirely absent from ch. 29.

It seems clear that there is a direct connection between 30:1–10 and 28:58–68. Not surprisingly, there is also a connection between the latter passage and 4:23–31. Among the connections, we find "quickly perish" (כי־אבד תאבדון מהר; v. 26; cf. 28:63), "possessing the land" (הארץ ... לרשתה; v. 26, cf. 28:63), "to be wiped out" (השמד תשמדון; v. 26, cf. 28:61, 63), "scattering among the peoples" (והפיץ ה׳ אתכם בעמים; v. 27, cf. 28:64), "leaving only a few" (ונשארתם; v. 27, cf. 28:62), "serving" other gods (ועבדתם־שם אלהים; v. 28, cf. 28:64), gods of "wood and stone" (עץ ואבן; v. 28, cf. 28:64), and "heed his voice" (ושמעת בקלו; v. 30, cf.

28:62).[55] The presence of these additional terminological overlaps reinforces the suggestion that 4:23–31, 28:58–68, and 30:1–10 form a distinct, exilic compositional layer in the book.

6. Conclusion

Though the book of Deuteronomy presents the reader with more than its share of twists and turns, the point of this study is fairly straightforward: While the literary setting of Deuteronomy is that of Moses' valedictory on the plains of Moab, the various blessings and cursings that appear in the great prophet's discourses "bleed through" to point toward the actual moments in which various layers of the book were composed. The central law code in chs. 12–26 makes no threats at all concerning defeat or exile, suggesting it may well have originated prior to the fall of Samaria. The fact that the Gerizim-Ebal frame surrounding the code in chs. 11 and 27 also omits any reference to defeat or exile may lend support to the notion that the code's connections were indeed, at an early stage, to the north. Ten passages in the book take for granted the inevitable failure of the nation: 4:23–31; 28:36–37, 47–57, 58–68; 29:19b–26, 27; 30:1–10; 31:16–22, 24–29; and 32:1–43. One of these, the Song of Moses in ch. 32 is unlikely to derive from the fall of either Samaria or Jerusalem. Five – 28:47–57; 29:19b–26, 27; 31:16–22, 24–29 – reflect moments of severe national crisis and may well assume the events of 722 or 586, though there is insufficient evidence to determine which. Of these, 29:27 is the passage most likely connected with the exile. This could suggest that vv. 19b–26 were also exilic, though the connection between these verses and v. 27 remains uncertain. Finally, only four passages reflect with certainty an exilic background: 28:36–37, which appears to be an independent insertion, and the three connected passages, 4:23–31, 28:58–68, and 30:1–10. It is, of course, possible that other Deuteronomic texts derive from an exilic context. Certainly, the case has been often been made for passages such as 1:1–4:40, to say nothing of the non-Deuteronomic additions in ch. 34. The fact that so little of the book overtly echoes events following 722 and 586 should at least offer a word of caution for too readily shifting the "allegory" of the book into the exilic or post-exilic periods.

[55] Levenson ("Who Inserted the Book of the Torah?" 212–16) argues for the presence of verbal connections across all of 4:1–40 rather than just vv. 23–31. The evidence he adduces is substantially undermined, however, by the fact that eight of the fourteen verbal connections he identifies in 4:1–40 derive from just vv. 23–31 and three of the remaining six are tied just to just one verse, 4:19. It is, of course, possible that 4:1–22, 32–40 is also exilic, but the evidence suggests vv. 23–31 derive from a separate compositional setting.

Bibliography

Baden, Joel S. *J, E, and the Redaction of the Pentateuch.* FAT 68. Tübingen: Mohr Siebeck, 2009.

Berman, Joshua A. "CTH 133 and the Hittite Provenance of Deuteronomy 13." *JBL* 130 (2011): 25–44.

–. "Historicism and Its Limits: A Response to Bernard M. Levinson and Jeffrey Stackert." *JAJ* 4 (2013): 297–309.

–. "Histories Twice Told: Deuteronomy 1–3 and the Hittite Treaty Prologue Tradition." *JBL* 132 (2013): 229–50.

Blum, Erhard. *Studien zur Komposition des Pentateuch.* BZAW 189. Berlin; New York: de Gruyter, 1990.

Boston, James R. "The Wisdom Influence upon the Song of Moses." *JBL* 87 (1968): 198–202.

Brettler, Marc Z. "Predestination in Deuteronomy 30:1–10." Pages 171–88 in *Those Elusive Deuteronomists: The Phenomenon of Pan-Deuteronomism*. Edited by Linda S. Schearing and Steven L. McKenzie. Sheffield: Sheffield Academic Press, 1999.

–. "A 'Literary Sermon' in Deuteronomy 4." Pages 33–50 in *"A Wise and Discerning Mind": Essays in Honor of Burke O. Long.* Edited by Saul M. Olyan and Robert C. Culley. BJS 325. Providence: Brown Judaic Studies, 2000.

Carpenter, Joseph Estlin, and George Harford-Battersby. *The Hexateuch According to the Revised Version.* 2 vols. London: Longmans, Green, and Co., 1900.

Craigie, Peter C. *The Book of Deuteronomy.* NICOT. Grand Rapids: Eerdmans, 1976.

Cross, Frank Moore. *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel.* Cambridge: Harvard University Press, 1973.

Driver, Samuel R. *A Critical and Exegetical Commentary on Deuteronomy.* 3rd ed. ICC. Edinburgh: T&T Clark, 1902.

Friedman, Richard Elliott. "From Egypt to Egypt: Dtr1 and Dtr2." Pages 167–92 in *Traditions in Transformation: Turning Points in Biblical Faith.* Edited by Baruch Halpern and Jon D. Levenson. Winona Lake: Eisenbrauns, 1981.

Greenstein, Edward L. "On the Prefixed Preterite in Biblical Hebrew." *HS* 29 (1988): 7–17.

Hibbard, J. Todd. "True and False Prophecy: Jeremiah's Revision of Deuteronomy." *JSOT* 35 (2011): 339–58.

Hillers, Delbert R. *Treaty-Curses and Old Testament Prophets.* BibOr 16. Rome: Pontifical Biblical Institute, 1964.

Holladay, William L. "The Background of Jeremiah's Self-Understanding: Moses, Samuel, and Psalm 22." *JBL* 83 (1964): 153–64.

–. "Jeremiah and Moses: Further Observations." *JBL* 85 (1966): 17–27.

–. "Elusive Deuteronomists, Jeremiah, and Proto-Deuteronomy." *CBQ* 66 (2004): 55–77.

Jenks, Alan W. *The Elohist and North Israelite Traditions.* SBLMS 22. Missoula, MT: Scholars Press, 1977.

Kline, Meredith G. *The Treaty of the Great King: The Covenant Structure of Deuteronomy: Studies and Commentary.* Grand Rapids: Eerdmans, 1963.

Knapp, Dietrich. *Deuteronomium 4: Literarische Analyse und theologische Interpretation.* GTA 35. Göttingen: Vandenhoeck & Ruprecht, 1987.

Leuchter, Mark. "Why Is the Song of Moses in the Book of Deuteronomy?" *VT* 57 (2007): 295–317.

Levenson, Jon D. "Who Inserted the Book of the Torah?" *HTR* 68 (1975): 203–33.
Levinson, Bernard M. *Deuteronomy and the Hermeneutics of Legal Innovation*. New York: Oxford University Press, 1997.
–. *"The Right Chorale": Studies in Biblical Law and Interpretation*. Tübingen: Mohr Siebeck, 2008.
Levinson, Bernard M., and Jeffrey Stackert. "Between the Covenant Code and Esarhaddon's Succession Treaty: Deuteronomy 13 and the Composition of Deuteronomy." *JAJ* 3 (2012): 123–40.
–. "The Limitations of 'Resonance': A Response to Joshua Berman on Historical and Comparative Method." *JAJ* 4 (2013): 310–33.
Lohfink, Norbert. "Der Bundesschluß Im Land Moab." *BZ* 6 (1962): 32–56.
–. "Auslegung deuteronomischer Texte, IV." *BibLeb* 4 (1964): 247–56.
–. "Der neue Bund im Buch Deuteronomium." *ZABR* 4 (1998): 100–25.
Lundbom, Jack R. *Deuteronomy: A Commentary*. Grand Rapids: Eerdmans, 2013.
Mayer, Walter. "Sennacherib's Campaign of 701 BCE: The Assyrian View." Pages 168–200 in *'Like a Bird in a Cage': The Invasion of Sennacherib in 701 BCE*. Edited by Lester L. Grabbe. London, New York: Sheffield Academic, 2003.
Mendenhall, George E. "Covenant Forms in Israelite Tradition." *BA* 17 (1954): 50–76.
–. "The Suzerainty Treaty Structure: Thirty Years Later." Pages 85–100 in *Religion and Law: Biblical-Judaic and Islamic Perspectives*. Edited by Edwin B. Firmage, Bernard G. Weiss and John W. Welch. Winona Lake, IN: Eisenbrauns, 1990.
Moran, William. "The Ancient Near Eastern Background of the Love of God." *CBQ* 25 (1963): 77–87.
Najman, Hindy. *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism*. JSJSup 77. Leiden: Brill, 2003.
Nelson, Richard D. *Deuteronomy: A Commentary*. OTL. Louisville: Westminster John Knox, 2002.
Nicholson, Ernest. *Deuteronomy and Tradition*. Oxford: Basil Blackwell, 1967.
Nigosian, Solomon A. "Linguistic Patterns of Deuteronomy 32." *Bib* 78 (1997): 206–24.
Noth, Martin. *A History of Pentateuchal Traditions*. Translated by Bernhard W. Anderson. Scholars Press Reprints and Translations. Atlanta: Scholars Press, 1981.
Otto, Eckart. "The Pre-Exilic Deuteronomy as a Revision of the Covenant Code." Pages 112–22 in *Kontinuum und Proprium: Studien zur Sozial- und Rechtsgeschichte des alten Orients und des alten Testaments*. Wiesbaden: Harrassowitz, 1996.
–. "Das Deuteronomium als archimedischer Punkt der Pentateuchkritik: Auf dem Wege zu einer Neubegründung der de Wette'schen Hypothese." Pages 321–39 in *Deuteronomy and Deuteronomic Literature: Festschrift C. H. W. Brekelmans*. Edited by Marc Vervenne and Johan Lust. BETL 133. Louven: Peeters, 1997.
–. "The History of the Legal-Religious Hermeneutics of the Book of Deuteronomy from the Assyrian to the Hellenistic Period." Pages 210–50 in *Law and Religion in the Eastern Mediterranean: From Antiquity to Early Islam*. Edited by Anselm C. Hagedorn and Reinhard Gregor Kratz. Oxford: Oxford University Press, 2013.
Pakkala, Juha. "The Date of the Oldest Edition of Deuteronomy." *ZAW* 121 (2009): 388–401.
Polk, Nicholas O. "Deuteronomy and Treaty Texts: A Critical Reexamination of Deuteronomy 13, 17, 27, and 28." Ph.D. diss., University of Chicago, 2020.
Rainey, Anson F. "The Ancient Hebrew Prefix Conjugation in the Light of Amarnah Canaanite." *HS* 27 (1986): 4–19.

Robertson, David A. *Linguistic Evidence in Dating Early Hebrew Poetry.* Society of Biblical Literature for the Seminar on Form Criticism: Dissertation Series. Missoula, MT: University of Montana, 1972.

Rofé, Alexander. *Deuteronomy: Issues and Interpretation.* OTS. London: T&T Clark, 2002.

Römer, Thomas. *The So-Called Deuteronomistic History: A Sociological, Historical and Literary Introduction.* London: T&T Clark, 2005.

Sanders, Paul. *The Provenance of Deuteronomy 32.* OtSt 37. Leiden: Brill, 1996.

Stackert, Jeffrey. "Why Does Deuteronomy Legislate Cities of Refuge?: Asylum in the Covenant Collection (Exodus 21:12–14) and Deuteronomy (19:1–13)." *JBL* 125 (2006): 23–49.

–. *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation.* FAT 52. Tübingen: Mohr Siebeck, 2007.

–. *Deuteronomy and the Pentateuch.* AYBRL. New Haven: Yale University Press, 2022.

Steymans, Hans Ulrich. "Eine assyrische Vorlage für Deuteronomium 28, 20–44." Pages 119–41 in *Bundesdokument und Gesetz: Studien zum Deuteronomium*. Edited by Georg Braulik. HBS 4. Freiburg: Herder, 1995.

–. *Deuteronomium 28 und die adê zur Thronfolgeregelung Asarhaddons: Segen und Fluch im alten Orient und in Israel.* OBO 145. Freiburg: Universitätsverlag, 1996.

Thiessen, Matthew. "The Form and Function of the Song of Moses (Deuteronomy 32:1–43)." *JBL* 123 (2004): 401–24.

von Rad, Gerhard. *Deuteronomy: A Commentary.* Translated by Dorothea Barton. OTL. Philadelphia: Westminster, 1966.

Weinfeld, Moshe. "Traces of Assyrian Treaty Formulae in Deuteronomy." *Bib* 46 (1965): 417–27.

–. *Deuteronomy 1–11.* AB 5. New York: Doubleday, 1991.

–. *Deuteronomy and the Deuteronomic School.* Repr., Winona Lake, IN: Eisenbrauns, 1992.

Wiseman, Donald J. *The Vassal-Treaties of Esarhaddon.* Iraq 20. London: British School of Archaeology, 1958.

Wolff, Hans Walter. "Das Kerygma Des Deuteronomistischen Geschichtswerks." *ZAW* 73 (1961): 171–86.

Wright, David P. *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi.* New York: Oxford University Press, 2009.

Wright, G. Ernest. "The Lawsuit of God: A Form-Critical Study of Deuteronomy 32." Pages 26–67 in *Israel's Prophetic Heritage: Essays in Honor of James Muilenberg.* Edited by Bernhard W. Anderson and Walter J. Harrelson. New York: Harper & Brothers, 1962.

Exodus 34 and the Strategic Use of Law in the Construction of National Identity

Tina M. Sherman*

Biblical texts from the Persian period contain evidence of an active and diverse discourse over what defines "Israel" as a community. Some passages assert that those who returned to Judah from Babylonia are the only true Israelites.[1] Others suggest that the primary criterion for membership is obedience to YHWH's commands or adherence to YHWH's Torah.[2] Some texts argue that members of the community must cut themselves off from surrounding peoples by refusing to intermarry with them, while others limit intermarriage only with certain peoples.[3] Some texts make accommodations for members living outside the land, while others seem to require settlement in the land as a condition of inclusion.[4]

Studies of this discourse would necessarily include texts that are set in or written about the Persian period, such as Ezra, Nehemiah, and the postexilic prophets. Texts set in Israel's past, however, also contributed their voices to the

* It is my pleasure to dedicate this essay to David Wright, whose curiosity and enthusiasm, as both teacher and scholar, enriched my years as his student. Given his significant contributions to the scholarly discourse on biblical ritual, law, and how the Covenant Collection reuses the Laws of Hammurabi, it seems fitting to offer an analysis of a passage that reuses ritual laws from the Covenant Collection in service of its own message.

[1] See Rom-Shiloni, "From Ezekiel to Ezra-Nehemiah," 133, who also observes that texts that differentiate between, and judge differently, the exiles and those who remained in Judah appear already in Ezekiel, with those who went into exile judged more favorably (138–44). See also Jer 24, which makes a similar distinction.

[2] Third Isaiah (ch. 56) expresses openness to allowing outsiders to join the community, though with the stipulation that they follow YHWH (Schaper, "Torah and Identity in the Persian Period," 30; Nihan, "Ethnicity and Identity in Isaiah 56–66," 81). Other early Persian period prophetic texts that speak of foreigners becoming Israelites by choosing to worship YHWH include Isa 14:1, Jer 50:5, and Zech 2:15. Ezra 6:21 and Neh 10:29 also seem willing to accept outsiders, as long as they leave behind objectionable practices and adhere to the covenant (Nihan, "Ethnicity and Identity in Isaiah 56–66," 81, 95).

[3] Ezra 9–10, Neh 13:23–31, and Mal 2:10–11 all object to intermarriage with other peoples, while Chronicles is less restrictive (Nihan, "Ethnicity and Identity in Isaiah 56–66," 68). The Holiness Collection also lacks a general prohibition against intermarriage (Brett, "National Identity as Commentary," 34–35).

[4] For example, the requirement in Lev 23 that the Sabbath, the festivals of Unleavened Bread and Weeks, and the Day of Atonement are to be observed בכל מושבתיכם, "in all your settlements" (vv. 3, 14, 17, 21, 31), suggests that they can be observed anywhere (Johnstone, "Revision of Festivals," 103–105). For a general discussion of attitudes toward exile and return in the postexilic texts, see Brenner, "Territory and Identity."

debate.[5] Konrad Schmid has argued, for example, that the Priestly authors saw in their contemporary world the realization of YHWH's will for Israel as a "nation of God," and they presented that world as existing already in the mythic past.[6] On a much smaller scale, the covenant renewal episode in Exod 34:10–27 also participated in this discourse. Drawing on diverse material, including the festival calendar and related regulations in the Covenant Collection, the author's image of what Israel was meant to be at its birth – an exclusively Yahwistic nation settled in a land that YHWH had given them – also constructs an identity for post-exilic Israel.

1. A Compilation with an Independent Agenda

In its narrative context, Exod 34:10–27 recounts the terms of a covenant made at Sinai to renew Israel's relationship with YHWH after the breach that occurred when the Israelites made the golden calf and celebrated a festival before it (ch. 32). The short list of laws prohibits the Israelites from making pacts with the Canaanites, intermarrying with them, or worshipping their deities (34:12–16). It also forbids the Israelites to make idols (v. 17), and it presents a calendar of required religious festivals and related ritual obligations (vv. 18–26). Many of these laws have parallels in other legal materials. For example, the Sabbath law and festival calendar overlap significantly with Exod 23:12–19 in the Covenant Collection,[7] and the first-born regulations in verses 19–20 are nearly identical to those in Exod 13:12–13.

The dominant position in literary criticism has been to explain these parallels by arguing that Exod 34 contains an ancient Yahwistic (J) "ritual decalogue" that served as a source for later legal compositions. More recent studies, however, have argued persuasively that the laws in Exod 34 instead constitute a late redactional compilation.[8] The Deuteronomic influence on the passage has long

[5] See, e. g., the variety of texts examined in anthologies such as Ben Zvi and Edelman, eds., *Imagining the Other*; Jonker, ed. *Historiography and Identity (Re)formulation*; and Lipschits, Knoppers, and Oeming, eds., *Judeans in the Achaemenid Period*.

[6] Schmid, "Judean Identity and Ecumenicity."

[7] See the helpful chart comparing Exod 23 and 34 in Gesundheit, *Three Times a Year*, 14–16.

[8] This debate is long-running, but not critical to the discussion that follows. The evidence that Exod 34:11–26 is a late compilation is compelling and offers a better explanation of its content, but scholars who view the text as ancient also generally argue that it shows evidence of later editorial additions, especially in verses 11–17 and 24, but also in other parts of the text. See, e. g., Morgenstern, "Oldest Document," 22–23, 58. The material that some scholars view as early, by itself, does not construct an identity for Israel; the later additions are also needed to complete the task. Thus, whether the entire passage is a late compilation, or whether it is an early text with later additions, it is the late shaping of the text that matters to the discussion here. For an overview of the debate on the compositional history of the text, with relevant bibliography, see Carr, "Method in Determination of Direction of Dependence," 107–13; Gesundheit, *Three Times*

been recognized. The language and themes in Exod 34:11–16 in particular have much in common with Deut 7:1–5.[9] Both Exod 34:13 and Deut 7:5, for example, command the destruction of the Canaanite altars, pillars, and sacred posts, in that order.[10] They also both prohibit intermarriage (Exod 34:15; Deut 7:3).[11]

Shimon Gesundheit has also argued that several laws have been revised to align with Priestly legislation and concerns. For example, the term פטר רחם, "womb-breacher," in the first-born laws (34:19) is characteristic of Priestly texts but not present in non-Priestly texts, as is the requirement to redeem the first-born of humans and impure animals. The inclusion of the Sabbath law (v. 21) in the list of annual festivals also occurs elsewhere only in the Priestly texts (Lev 23; Num 28–29).[12] In addition, the designation of the second annual festival as חג שבעת, "the Festival of Weeks" (Exod 34:22) instead of חג הקציר, "the Festival of the Harvest," as in the Covenant Collection (23:16), is consistent with the descriptions of this festival in Deut 16:9 and Lev 23:15–16.[13] This and other evidence in Exod 34 suggests that the author has reworked and selectively expanded upon his legal sources to align them with later Deuteronomic and Priestly texts.

In content and themes, the laws seem to respond to the golden calf narrative.[14] Thus, Gesundheit argues:

> The terms of the renewed covenant – prohibitions of idolatry and a calendar of חג provisions – all pertain to the two spheres in which the Israelites betrayed YHWH, celebrating a חג (32:5) and worshipping a molten calf (32:6, 8). This specialized, tendentious selection

---

a Year, 12–17; and Levinson, "Goethe's Analysis of Exodus 34," 212–14. For early arguments in favor of a post-exilic date for the text, see Eerdmans, *Alttestamentliche Studien III*, 77–92; and Pfeiffer, "The Oldest Decalogue." For another example of the progressive construction of a national identity in a text as a result of editorial activity, see the discussion of Jer 11:16–17 in Sherman, *Plant Metaphors*, 253–55.

[9] Ginsberg, *Israelian Heritage of Judaism*, 64. See also the discussion of verses 11–16 as a later Deuteronomic expansion in Childs, *Book of Exodus*, 608–9, 613.

[10] Ginsberg, *Israelian Heritage of Judaism*, 64. Deuteronomy 7:5 includes at the end of the list a command to burn their cultic images. A similar command to destroy Canaanite cultic objects also appears in Deut 12:3 (Ginsberg, *Israelian Heritage of Judaism*, 64). By contrast, the Covenant Collection only commands the destruction of the pillars (Exod 23:24).

[11] In an unpublished manuscript, Bernard M. Levinson has argued that the mention in both passages of taking Canaanite daughters for Israelite sons – ולקחת מבנתיו לבניך (Exod 34:16); ובתו לא תקח לבנך (Deut 7:3) – provides further evidence that Exod 34 has drawn selectively on Deut 7.

[12] Gesundheit, *Three Times a Year*, 19–22.

[13] Gesundheit, *Three Times a Year*, 25–26. Levinson (*Deuteronomy and the Hermeneutics of Legal Innovation*, 69–71) has also argued that Exod 34:25 harmonizes the festival calendar in the Covenant Collection with Deut 16's combination of Passover and the festival of Unleavened Bread.

[14] Lothar Perlitt (*Bundestheologie im Alten Testament*, 203–32) has argued that the passage was composed together with Exod 32. See the discussion of this issue in Nicholson, *God and His People*, 134–150.

of laws stands in contrast to the quantity and variety that characterize the legislation imparted when the original covenant was made (20:22–23:33).[15]

Yet the alignment of the laws with the narrative is not perfect, as Exod 34 addresses issues not present in the golden calf story. Most obvious are the concerns that making covenants and intermarrying with the Canaanites will lead to apostasy (Exod 34:12–16), since the incident with the golden calf is about an improper festival to YHWH, not to other deities (Exod 32:5).[16]

The Sabbath law also requires explanation (v. 21). The presence of the law in the passage is not unusual. The Covenant Collection places its Sabbath law just prior to its festival calendar (Exod 23:12, 14–19), and, as noted earlier, Lev 23 and Num 28–29 incorporate Sabbath observance into their festival calendars.[17] The content of the law in Exod 34, however, does not seem to respond to the golden calf narrative. The narrative context of an illicit חג suggests a concern for proper cultic observance, and on those grounds, we might expect the Sabbath law in Exod 34:21 to be similar to Exod 23:12 or Deut 5:13–14, which emphasize that both animals and humans are to be allowed to rest. Exodus 34, on the other hand, focuses on commanding the Israelites to observe the Sabbath even during planting and harvesting times. Thus, the issue in Exod 34 is less about improper observance of the Sabbath than about not observing the Sabbath at all.[18]

These inconsistencies suggest that Exod 34:10–27 may have originated as an independent composition, but even if it was composed to conclude the golden calf story, the author appears to have had an agenda that extended beyond the requirements of the narrative. Indeed, the evidence that the text harmonizes and updates earlier laws is itself an indication that it serves a broader purpose. If the author's only goal had been to complete the narrative arc of Exod 32–34 with a renewal of the Sinai covenant, then a more logical approach would have been to repeat, or at least accurately recapitulate, the laws of the Covenant Code. Instead,

---

[15] Gesundheit, *Three Times a Year*, 36–37. Similarly, Carr (*Formation of the Hebrew Bible*, 264) argues that while Exod 33–34 may contain later additions, the chapters overall respond to themes from Exod 32 "to describe the gradual repair of the relationship between Yhwh and Israel and the making of a new covenant to replace the old." Childs (*Book of Exodus*, 613) suggests that verses 11–16 use language reminiscent of the golden calf episode. It is worth noting, however, that Exod 32 does not use the sexual metaphor (זני אחרי) for Israel's cultic misdeed (cf. Exod 34:15–16; see discussion of this metaphor below).

[16] Childs, *Book of Exodus*, 566–67. Albertz (*Exodus*, 317–18) argues that the message to the postexilic audience is that worship of images of YHWH is effectively a form of worshipping foreign gods.

[17] Gesundheit, *Three Times a Year*, 21.

[18] Gesundheit's explanation for the rationale in Exod 34:21 does not address this inconsistency. He notes that the Festival of Weeks celebrates the wheat harvest and argues that the comment about planting and harvesting times in the Sabbath law in 34:21 has been added to explain why this law was placed between the festivals of Unleavened Bread and Weeks (vv. 18, 22). He further comments that the emphasis on ceasing work (as opposed to allowing rest) is a concern that is also present in the priestly material. See Gesundheit, *Three Times a Year*, 21–22.

the reworking and supplementation of the legal sources suggests that the author was less concerned with narrative consistency than with presenting his idea of the Israelite nation as YHWH intended it to be.

2. Constructing a National Identity in Exodus 34

The features that characterize nations today – such as fixed territorial boundaries, a legal system that establishes a common set of rights and responsibilities for all members, and members who view themselves as active participants in the life of the nation – only emerged in the modern era. Empires, kingdoms, and other types of states existed prior to that time, as did communities with a shared culture, but none of those pre-modern collectives meet the modern definition of a nation. Thus, it would be anachronistic to argue that the author of Exod 34 consciously conceived of Israel as a nation in the modern sense of the term.[19] At the same time, the features that most often appear in biblical depictions of Israel – including the promised land, the common responsibility for obeying YHWH's laws, and the threat of collective punishment for disobedience – have clear parallels with modern discourse about nations. As such, theories of national identity formation can provide a language and structure for analyzing the ways that the biblical authors envisioned their community.

Benedict Anderson's influential model defines a nation as "an imagined political community – and imagined as both inherently limited and sovereign."[20] That a nation is imagined reflects the reality that the members of a nation will not all know each other personally, but they may nevertheless perceive themselves to be part of the nation. The limitations of a nation are the criteria by which it distinguishes itself from other nations, and its sovereignty refers to the state and its control of a bounded territory.[21] Subsequent scholarship has complicated our understanding of the aspect of sovereignty by showing that while a claimed territory is a feature common to all modern nations, not all nations have in-

[19] Most modernist scholars of nationalism date the origins of nations and nationalism to the late eighteenth or early nineteenth centuries and associate them with the rise of capitalism or the industrial revolution (Maxwell, "Primordialism," 827). Anderson adds that nations and nationalism were made possible by the development of mass printing capabilities that facilitated the widespread distribution and exchange of new ideas throughout a community (Anderson, *Imagined Communities*, 36). Other schools of thought, such as perennialism, assert that nations have earlier origins, developing from ancient ethnic and cultural communities. For an overview of the debate from each perspective, see Maxwell, "Primordialism for Scholars Who Ought to Know Better;" and Smith, "When is a Nation?"

[20] Anderson, *Imagined Communities*, 6.

[21] Anderson, *Imagined Communities*, 6.

dependent control of the state in which they reside. Thus, control of the state is a possible, but not necessary, feature of nations.[22]

If nations are communities whose existence depends, in part, on members seeing themselves as part of the nation, then national identities constitute the vision of the nation held by its members. Specifically, *national identity* refers to a set of claims, perceptions, and beliefs about the aspects of one nation that define it and that distinguish it from other nations. Since national identity is based on human claims, the aspects that define the nation may not always comport with history or objective reality.[23] For example, scholars have observed that Ezra and Nehemiah promote the idea that the entirety of Judah was sent into exile after the Babylonian conquest, leaving an empty land behind. Such claims hide the reality that some Judeans did remain in the land. In the post-exilic period, this myth of the empty land served to identify the Babylonian diaspora and those who returned to Yehud as the true people of Israel, the only living heirs of the original inhabitants, and to redefine the people who had been living in the former kingdoms of Israel and Judah as foreign interlopers.[24]

The process of constructing a national identity primarily happens as people speak or write about the nation. In modern discourse, identities may be constructed deliberately, to present a particular image of the nation, or they may arise more organically out of speech about the nation. The most common features attributed to nations and their members are: 1) a collective past; 2) a national territory and landmarks; 3) a common culture; 4) a "national character"; and 5) a shared present and future. The collective past may take the form of an origin narrative for the nation, or it may draw on transformational events in the people's history. The territory claimed by the nation is not limited to a set of formal boundaries. It may also include landmarks within the territory that have significance for the nation. The common culture draws on features such as language, religion, and art, as well as common aspects of everyday life, such as food and clothing. The national character is best understood as a conception of what constitutes a "typical" member of the nation, often expressed in terms of what differentiates members of the nation from non-members. Finally, the shared present and future refers to a sense that all members of the nation share a

[22] Guibernau, "Nations without States," 1251–82. Among the examples Montserrat Guibernau cites as nations without independent states are Catalonia, Quebec, and Scotland (Guibernau, "Nations without States," 1254). The elements of Guibernau's definition of "nation" align with those of Anderson's model in several respects, but Guibernau expresses them differently. He describes the imagined community as "a human group conscious of forming a community," speaks of its limits in terms of the members "sharing a common culture" and "having a common past and a common project for the future," and defines its sovereignty as being "attached to a clearly demarcated territory" and "claiming the right to decide upon its political destiny" (Guibernau, "Nationalism without States," 592).

[23] Wodak et al., *Discursive Construction of National Identity*, 7–48.

[24] Rom-Shiloni, "From Ezekiel to Ezra-Nehemiah," 132–36.

common experience now and an expectation that their futures will be similarly intertwined.[25]

Jon Berquist has appropriately pointed out the limits of defining Judean identity in the Persian period in ethnic, national, or religious terms, noting that it is not clear to what extent the Judean populace would have recognized or subscribed to these various claimed identities.[26] Moreover, it is unlikely that the biblical authors would have perceived themselves as deliberately constructing an identity for their community. As Mark G. Brett has noted regarding historiography in the Second Temple period: "Each new historical challenge evoked revisions of ethnic and national identity, but even when those revisions were fiercely contesting alternative perceptions of reality, the overriding issues for the historical actors themselves would not have been the making of identity *as such*."[27] Nevertheless, identity theory can be useful for explaining the rhetoric of texts that participated in the identity discourse during this period, yielding insights into particular authors' depictions of reality – of what it is to be Israelite, or perhaps what it should be to be Israelite in cases where the author's present reality differs from what is described as the ideal.[28]

Granted, not all biblical texts depict Israel as a nation. Many focus on nonformative episodes in Israel's history or discrete aspects of Israelite culture. The texts that do contain a concentration of the above identity elements, however, highlight what their authors wanted to present as formative events in the story of Israel's past, and they indicate the aspects of Israel that these authors considered most relevant to Israel's present and future. A close reading of the identity elements in Exod 34:10–27 suggests that the author intended to present the stipulations of this covenant with YHWH as a model for what Israel should and could become in the postexilic period.

2.1 A Collective Past

Fundamentally, Exod 34:10–27 constructs a past for Israel as a nation held together by the terms of a covenant with its deity, YHWH. The inclusion of this composition in the Sinai narrative embeds it in the exodus account, but for its author, the key event in the past that would give Israel its character was not the exodus, but the conquest and settlement of the land. Thus, verse 11 begins with YHWH's declaration that he will clear the land for the Israelites:

---

[25] Wodak et al., *Discursive Construction of National Identity*, 27–31.

[26] Berquist, "Constructions of Identity in Postcolonial Yehud," 53–58.

[27] Brett, "National Identity as Commentary," 40; emphasis added.

[28] Brett similarly argues for a limited application of identity theory: "References to identity formation in the study of ancient religious texts should be seen as explanatory 'etic' hypotheses with no immediate connection to the 'emic' questions of how historical agents viewed their own beliefs" (Brett, "National Identity as Commentary," 40).

שמר לך את אשר אנכי מצוך היום הנני גרש מפניך את האמרי והכנעני והחתי והפרזי והחוי והיבוסי

Observe what I command you this day. I will drive out before you the Amorites, the Canaanites, the Hittites, the Perizzites, the Hivites, and the Jebusites.[29]

This introduction stands in contrast to the Decalogue, which begins with YHWH announcing that he brought Israel out of enslavement in Egypt (Exod 20:2; Deut 5:6).[30] Moreover, the only explicit mention of the exodus in Exod 34:10–27 occurs in the instructions regarding the Feast of Unleavened Bread (v. 18), a reference that the law inherits from its source in the Covenant Collection (Exod 23:15).[31] The remaining laws in the passage focus entirely on life in the land.[32] For this author, the exodus is part of Israel's past, but Israel is defined as the people to whom YHWH promised the land of Canaan.

2.2 A National Territory and Landmarks

The author asserts Israel's historic claims to the land not only by declaring that YHWH committed to clearing the land for the Israelites (v. 11), but also by stating that the Israelites were supposed to make the land their own by destroying all of its existing cult sites:

כי את מזבחתם תתצון ואת מצבתם תשברון ואת אשריו תכרתון

Rather, you shall tear down their altars, break their pillars, and cut down their sacred posts (v. 13).

Following these actions, the land would have been swept clean of both the present inhabitants and their landmarks and repopulated by the Israelites. Toward the end of the passage, the author returns again to the occupation of the land:

[23] שלש פעמים בשנה יראה כל זכורך את פני האדן יהוה אלהי ישראל [24] כי אוריש גוים מפניך והרחבתי את גבולך ולא יחמד איש את ארצך בעלתך לראות את פני יהוה אלהיך שלש פעמים בשנה

---

[29] Biblical translations follow the NRSVue, with modifications as needed for clarity.

[30] On the exodus as central to Israelite identity elsewhere in the Hebrew Bible, see Edelman, "Exodus and Pesach-Massot as Evolving Social Memory."

[31] The difference between the two laws in the MT amounts to two words. Exodus 34:18 reads: את חג המצות תשמר שבעת ימים תאכל מצות אשר צויתך למועד חדש האביב כי בחדש האביב יצאת ממצרים

You shall keep the Festival of Unleavened Bread. Seven days you shall eat unleavened bread, as I commanded you, at the time appointed in the month of Abib, for in the month of Abib you came out from Egypt.

The final phrase in Exod 23:15 instead reads כי בו יצאת ממצרים, "for in it you came out from Egypt."

[32] Verse 10 already works to shift the focus to the promised land. It does not look backward to remind the people of the wonders performed by YHWH in bringing Israel out of Egypt, but rather promises new wonders as the people enter the land. Childs notes of this verse: "Both the thought and the language are not far removed from Second Isaiah" (Childs, *Book of Exodus*, 613).

[23] Three times in the year all your males shall appear before the Lord YHWH, the God of Israel. [24] For I will cast out nations before you and enlarge your borders; no one shall covet your land when you go up to appear before YHWH your God three times in the year (Exod 34:23–24).[33]

The reassurance that the people's land will be safe in their absence while the Israelites are observing the three annual festivals suggests the existence of a distant cult site to which all will travel, leaving their homes defenseless in their absence.[34] The text thus envisions replacement of the destroyed non-Israelite cultic landmarks with a centralized cult site as Israel's primary landmark.[35]

Here, YHWH also reiterates the commitment to drive out the nations and adds to it the promise of a large territory for the Israelites to occupy (v. 24). Though the territory claimed in verses 10–27 does not have clearly marked borders, the description of who lives in the land – the Amorites, Canaanites, Hittites, Perizzites, Hivites, and Jebusites (v. 11) – functions as a proxy for the boundaries of the region claimed for the Israelites.

2.3 A Common Culture

The laws included in Exod 34 emphasize that Israel is an agrarian society in which the people's relationship with their deity is expressed primarily through a set of public rituals. The requirements include the three annual pilgrimage festivals tied to its agricultural cycle and observance of the weekly Sabbath (vv. 18–24). The sense that Israel's agrarian economy is central to its identity also appears in Exod 34's version of the Sabbath law (v. 21). The motive clause for the similar law in the Covenant Collection focuses on allowing animals and workers to rest, perhaps participating in a theme that the Israelites are to treat well those on the margins of society because they themselves were once strangers in Egypt:

ששת ימים תעשה מעשיך וביום השביעי תשבת למען ינוח שורך וחמרך וינפש בן אמתך והגר

Six days you shall do your work, but on the seventh day you shall cease so that your ox and your ass may have relief and your homeborn slave and the resident alien may be refreshed (Exod 23:12).[36]

---

[33] The text most likely envisions invasion by a neighboring kingdom (Propp, *Exodus 19–40*, 616), rather than encroachment by fellow Israelites, since all Israelite males are expected to participate in the festivals.

[34] Sarna, *Exodus*, 219.

[35] Cf. the clearer reference to appearing at the central sanctuary במקום אשר יבחר, "in the place that he [YHWH] will choose," in the festival law in Deut 16:16.

[36] Cf. the instruction not to oppress the resident alien in Exod 23:9. Another set of prohibitions against oppression appears earlier in the collection, also headed by a reminder of the exodus (22:20–26). Deuteronomy's Sabbath law makes the connection to the exodus explicit (5:13–15).

By contrast, instead of offering a motive clause for its Sabbath law, Exod 34:21 stresses the importance of adherence even during the busiest times of the agricultural year:[37]

ששת ימים תעבד וביום השביעי תשבת בחריש ובקציר תשבת

Six days you shall work, but on the seventh day you shall cease; even in plowing time and in harvest time you shall cease.

The use of the verb תעבד in this verse also emphasizes the agrarian setting; absent a modifier, it refers to agricultural labor, while the expression used in the Covenant Collection, תעשה מעשיך, refers to work in a more general sense.[38]

The author supplements the basic festival calendar with details about the Israelite cult, including a prohibition against making molten idols (v. 17), requirements that the firstborn of every animal or human must be sacrificed or redeemed (vv. 19–20), and a selection of other ritual requirements largely drawn from the Covenant Collection (vv. 25–26). Consequently, after rejecting the current inhabitants of the land and their cultic practices (vv. 11–16), the author provides a new set of cultic practices that will distinguish the Israelites from these other peoples.

2.4 A National Character

The combined effect of the laws in verses 11–26 is to depict the typical Israelite as a Yahwist farmer who lives in the land YHWH promised to the Israelites. The Israelites are thus united to each other by their common location, covenant, and cult of YHWH. The prohibition against intermarriage with the inhabitants of the land adds to the national character the idea that the typical Israelite is born to Israelite parents:[39]

15 פן תכרת ברית ליושב הארץ וזנו אחרי אלהיהם וזבחו לאלהיהם וקרא לך ואכלת מזבחו 16 ולקחת מבנתיו לבניך וזנו בנתיו אחרי אלהיהן והזנו את בניך אחרי אלהיהן

[37] Propp, *Exodus 19–40*, 616. Julian Morgenstern ("Oldest Document," 63) argues that this clause is a gloss, but he notes that it implies "a civilization in which agriculture is the dominant occupation." He interprets this evidence as a potential indication of the antiquity of the law, reflecting a simple agrarian society, in contrast to the more complex economy envisioned in the Covenant Collection's version of the law (64).

[38] Propp, *Exodus 19–40*, 616; Morgenstern, "Oldest Document," 63.

[39] In ancient Israel, a woman would typically enter her husband's household upon her marriage (Meyers, *Rediscovering Eve*, 111). The fact that the law in verse 16 only specifically addresses Israelite men marrying non-Israelite women suggests that this author may have viewed an Israelite woman who marries a non-Israelite man as leaving the Israelite community and entering her husband's community – in other words, as no longer properly Israelite. In this context, the author seems primarily concerned with preventing non-Israelite women from entering the Israelite community. The law does not highlight Israelite women leaving the community as a problem.

[15] You shall not make a covenant with the inhabitants of the land, for when they lust after their gods and sacrifice to their gods, someone among them will invite you, and you will eat of the sacrifice, [16] and you will take wives from among their daughters for your sons, their daughters who lust after their gods will make your sons also lust after their gods (Exod 34:15–16).

The law also creates a social separation between the Israelites and other nations by restricting participation in ritual activities with the inhabitants of the land, which the author asserts will help ensure that the Israelites do not stray into apostasy.

The importance of this issue to the author is suggested by the organization of the text. The first law listed in the compilation in Exod 34 prohibits making covenants with the people of the land (v. 12). Thematically, it is a logical continuation from YHWH's declaration in the previous verse that he will drive out the inhabitants of the land. The ancient Near Eastern scribal technique of using the first law in a collection to establish the collection's priorities, however, also suggests that separation of Israel from its neighbors as a means of maintaining cultic fidelity may have been the author's primary concern.[40]

The description of the inhabitants of the land as "lusting after" their gods (vv. 15–16) is significant to the analysis of this passage in two ways. First, the phrase זני אחרי, "to lust after" provides linguistic evidence to support a relatively late date for these verses. As the discussion thus far has indicated, Exod 34:10–27 draws on other legal materials for its ritual laws. The phrase זני אחרי, however, does not appear in any of its posited sources.[41] Rather, the author employs an idiom that seems to have become a conventional way of speaking of apostasy only in the exilic period and later.

In non-figurative passages in the biblical corpus, the root זני refers to engaging in illicit sexual activity. Verbal and nominal forms of זני are also used metaphorically to refer to illicit cultic activity. For example, the eighth-century BCE prophet Hosea presents Israel as YHWH's adulterous wife who lusts after other gods (chs. 1–3). Jeremiah 3:6–10 and Ezekiel 16 and 23, texts from the late seventh and early sixth centuries, apply the same metaphor to both Israel and Judah. These examples are all explicitly metaphorical, and their authors elaborate on the imagery of the adulterous wife in some detail.

---

[40] This technique is found in both Mesopotamian and biblical collections of laws. Thus, for example, the slave laws that begin the Covenant Collection (Exod 21:2–11) connect the collection to the exodus and the manumission of Israel and emphasize the author's concern for freedom (Levinson, "Deuteronomy's Conception of Law," 59n23).

[41] These other texts use a variety of terms to describe worshipping other deities. Exodus 23:24, for example, forbids the Israelites from bowing to other gods (חוי), serving them (עבד), or participating (עשׂי) in cultic activity associated with them. Verses 32–33 also describe serving other gods (עבד) as sinning against (חטא ל) YHWH. The law against intermarriage in Deut 7:3–4 employs the same motive as Exod 34, but Deuteronomy uses עבד to refer to serving other gods (see also 7:16).

Over time, as this metaphorical use of זני became more conventional – as it became a more common and routine way to speak of illicit cultic activity – explicit references to the concept of Israel as a promiscuous woman would no longer have been necessary for זני to be understood as referring to illicit cultic activity. Thus, Ps 73:27 could depict apostates as those who זני מן, "lust away," from YHWH:

כי הנה רחקיך יאבדו הצמתה כל זונה ממך

Indeed, those who are far from you will perish; you annihilate all who lust away from you.

The phrase זני אחרי most often appears in these types of otherwise non-figurative passages, suggesting that it represents a later, more conventional form of the metaphor. First Chronicles 5:25, for example, employs the idiom to claim that the Assyrian exile of the northern tribes happened because the people worshipped other gods:

וימעלו באלהי אבותיהם ויזנו אחרי אלהי עמי הארץ אשר השמיד אלהים מפניהם

But they transgressed against the God of their ancestors and lusted after the gods of the peoples of the land whom God had destroyed before them.

Moreover, though metaphorical uses of זני have a long history going back to at least the eighth century BCE, the specific idiom זני אחרי does not. Almost all of the passages in which זני אחרי appears are in texts or literary layers that have been dated, on other grounds, to the exilic period or later. For example, in the Pentateuch, excluding Exod 34, it occurs only in H (Num 15:39; Lev 17:7, 20:5–6) and the exilic or post-exilic frame of Deuteronomy (31:16).[42]

Finally, metaphorical uses of זני to refer to apostasy occur in several forms in late biblical texts, but every expression that specifies the object of the illicit worship employs the phrase זני אחרי. This pattern further supports the idea that the phrase represents a later stage in the development of the זני metaphor, since analyses of metaphorical expressions in large linguistic corpora have shown that over time, metaphorical verbs tend to take on relatively fixed phrasal forms.[43] In other words, as it became more common to use זני to refer to illicit cultic activity, the way to express the object or source of that activity developed a relatively fixed form. The presence of this late-developing idiom in Exod 34 is therefore consistent with arguments that the text is a late compilation. At the very least, it supports claims for late date for verses 15–16.[44]

[42] See also Judg 2:17, 8:27, and 8:33 (DtrH and its later exilic or post-exilic redactional layers); Ezek 6:9, 16:34, 20:30, and 23:30 (exilic or later); and Hos 1:2 (date uncertain, but probably late pre-exilic at the earliest).

[43] In English corpus data, we see frequent examples in phrases such as *stir up*, *flare up*, and *clean out* (Deignan, *Metaphor and Corpus Linguistics*, 150).

[44] Exodus 34:15–16 is generally considered to be a late deuteronomic addition to the text. זני אחרי, however, is not part of the material that the author of Exod 34 drew from Deut 7. The idiom occurs only once in Deuteronomy, in 31:16. Deuteronomy otherwise employs עבד, "to

The second reason that זני אחרי is important to an analysis of Exod 34:10–27 resides in the message it carries. The idiom probably developed as a variation of הלך אחרי, "to walk after, follow," another expression for worship of a deity. Deuteronomy uses this phrase with YHWH in 13:5 – אחרי יהוה אלהיכם תלכו, "After YHWH, your God, you shall walk" – and with other deities in several passages. For example, it appears in the account of the Baal Peor incident in 4:3 – כל האיש אשר הלך אחרי בעל פעור השמידו יהוה אלהיך מקרבך, "YHWH your God destroyed from among you everyone who walked after Baal-peor."[45] The phrase is also used for apostasy multiple times in DtrH (e. g., Judg 2:12; 1 Kgs 11:5; 2 Kgs 17:15) and Jeremiah (e. g., 2:23; 7:6; 9:13), as well as in Ezekiel (20:16), Hosea (2:7, 15), and Amos (2:4).[46]

Since it can refer to worship of any deity, including YHWH, הלך אחרי is a neutral term for cultic activity. Conversely, זני אחרי is limited to subjects other than YHWH, and the association of זני with illicit sexual activity means that the expression automatically carries negative connotations. The new idiom thus gave the biblical authors a way to describe worship of other deities by the Israelites as inherently wrong. In the context of Exod 34's intermarriage prohibition, that the inhabitants of the land are "lusting after" their own gods means that they are engaging in cultic practices that are, in the author's view, illicit by definition. The description is not quite monotheistic – in that it does not deny the existence of other gods – but it does suggest that worship of any god other than YHWH is improper for all people, not just for the Israelites. Consequently, what distinguishes the Israelites from non-Israelites is also that the Israelites have the only proper cult among the nations.

2.5 A Shared Present and Future

Since Exod 34:10–27 focuses on Israel's past, it does not directly address the nation's present or future. Yet if the author's vision represents what Israel was at its beginning, what YHWH both promised and commanded it would be, then by inference that vision also applies to what Israel should be in the future. Ideally, the Israelites should be settled in the land that YHWH gave to them, they should have exclusive possession and control of that land, and they should be joined in a common practice of exclusive Yahwism founded on observance of the Sabbath and other public rituals.

The author innovates on the use of זני אחרי to drive home this last point. This is the only passage in the Hebrew Bible that describes non-Israelites worshipping

serve," or the idiom הלך אחרי, "to walk after, follow," to refer to worship of other deities. Thus, the author of Exod 34 has innovated in incorporating זני אחרי into the text.

[45] See also, e. g., Deut 6:14; 8:19; 11:28; 13:13; 28:14.

[46] For other uses with YHWH, see, e. g., 1 Kgs 14:8; 18:21; 2 Kgs 23:3; and Jer 2:2.

their own deities as illicit sexual activity.[47] Elsewhere, the metaphor of זנה as illicit cultic activity always applies to Israelites worshipping other gods or otherwise disobeying YHWH's commands.[48] It is possible that by the time Exod 34 was compiled, the metaphor had acquired a broader meaning, referring to worship by anyone of any deity other than YHWH. It is also possible that the phrasing betrays the reality of the situation in Persian Yehud: that at least some of the people living in the land were descendants of Judeans who survived the Babylonian conquest, and that they probably practiced some form of Yahwism. By using זנה, the author of Exod 34 alludes to the identity of the inhabitants of the land in his day. At the same time, he presents them and their practices as analogous to the previous Canaanite inhabitants of the land, thus implying that their cultic practices – even those that may be Yahwistic – are illicit.

3. National Identity Discourse in the Persian Period

Scholars have been studying the evidence of identity formation in the biblical texts of the Persian period for decades, discovering the numerous and varied perspectives on "Israel" that are represented in these texts. As Dalit Rom-Shiloni explains, the rhetoric of these texts often presents the descendants of those who went into exile as the entirety of Israel: "Casting themselves as the heirs to and the guardians of historical traditions, these repatriates build a powerful argument advocating their exclusive status as the one and only legitimate community of Judeans, Jews, people of Israel, people of God."[49]

They support their assertion of an exclusive claim to Israel by suggesting that the land was completely emptied after the Babylonian conquest, and therefore anyone currently living in the land cannot be Israelite; they must be foreigners from various nations who settled in the land in the intervening years.[50] Anxious to establish themselves in their claimed homeland, those who returned from exile often prioritized what they presented as a renewal of the proper worship of YHWH, including especially reinstituting Sabbath observance and the sacrificial cult.[51] They also frequently emphasized the dangers that those not of their

[47] Halbe (*Privilegrecht Jahwes*, 154–55) also notices the unique use of זנה in this passage, though he incorrectly interprets it as evidence for the antiquity of the passage.

[48] Ezekiel and Isaiah also use זנה metaphorically to refer to foreign alliances and foreign trade that the prophetic author wishes to condemn (see Ezek 16:26, 28; 23:3, 19; Isa 23:17). The actions are not cultic in nature, but they are still presented as acts of disobedience against (and thus infidelity to) YHWH.

[49] Rom-Shiloni, "From Ezekiel to Ezra-Nehemiah," 133.

[50] Rom-Shiloni, "From Ezekiel to Ezra-Nehemiah," 134.

[51] For example, Ezra, Nehemiah, and Third Isaiah all emphasize Sabbath observance as a marker of Judean identity (Isa 56:2, 4, 6; 58:13–14; 66:23–24; compare Neh 9:14; 10:31, 33; 13:15–22), and for Third Isaiah (in ch. 56), it also becomes a marker of adherence to the

group could pose to their community, in some cases prohibiting intermarriage with outsiders, though the criteria for identifying outsiders varies across different biblical texts.[52]

Individuals who identify with the same nation will generally share similar ideas about the nation's defining features, though the details of how and why they understand, describe, and prioritize those features often differ.[53] It is therefore to be expected that Exod 34:10–27 would broadly agree with other postexilic depictions of Israel, while deviating on some details. On its surface, the entire passage addresses Israel's distant past. Thus, unlike texts set in the postexilic period, such as Ezra and Nehemiah, Exod 34:10–27 does not directly offer a vision of life in the Persian province of Yehud. At the same time, by presenting itself as a covenant between Israel and YHWH, the text asserts its authority to shape the behavior of its postexilic audience: This is what Israel was supposed to be then, and therefore this is what the newly reconstituted Israel should become now.

Moreover, the author of Exod 34:10–27 projects the concerns of his era onto Israel's past. The text creates an analogous situation to the myth of the empty land through YHWH's past declaration that he would expel the native peoples all at once. This framing presents the Israelites as the only inhabitants in the land then, and it suggests that their descendants have the only legitimate claim to the land now.[54] At the same time, the prohibitions against covenants and intermarriage

---

covenant (Nihan, "Ethnicity and Identity in Isaiah 56–66," 68, 73). In addition, Ezra-Nehemiah repeatedly narrate the reinstitution of festivals and other cultic practices (Rom-Shiloni, "From Ezekiel to Ezra-Nehemiah," 133 n. 20), the Priestly texts present a past for Israel that addresses the importance of establishing the sanctuary and sacrificial cult (Schmid, "Judean Identity and Ecumenicity," 4, 8.), and Third Isaiah associates a purified temple and restored sacrificial cult with the coming of a new age (Nihan, "Ethnicity and Identity in Isaiah 56–66," 96).

[52] See the collection of essays in Frevel, ed., *Mixed Marriages*, esp. the overview of intermarriage in the Hebrew Bible in Frevel's "Introduction," 1–14, which concludes with a list of relevant biblical texts. See also the passages cited in n. 3, above.

[53] Wodak et al., *Discursive Construction of National Identity*, 7–48. Some of the variations can be explained as deriving from differences in speakers' perceptions of the nation. Constructed national identities may also serve different strategies, including reinforcing, changing, or breaking down existing conceptions of the nation. These strategies may or may not be consciously pursued; in some cases, they may simply arise as a product of the speaker's goals for speaking and attitudes toward the nation.

[54] A similar notion appears in the declarations in the Holiness Collection that YHWH will drive out the Canaanites before the Israelites (Lev 18:24, 20:23) and that the land vomited them out (18:25, 28). As Jacob Milgrom notes in his commentary on Lev 18:24: "Both the metaphors of the land spewing out its inhabitants and, explicitly in this verse, that YHWH himself will drive out the Canaanites *mippĕnêkem* 'from before you' imply that Israel will meet no resistance upon entering the land" (Milgrom, *Leviticus 17–22*, 1579; thanks to Jeffrey Stackert for drawing my attention to these passages). By contrast, the Covenant Collection and Deuteronomy describe a gradual takeover of the land, reflecting the reality that a suddenly depopulated region would quickly fall into disrepair, with fields untended and wild animals returning to inhabit the land (Exod 23:29–30; Deut 7:22).

with the displaced peoples acknowledge the reality that other peoples currently live in the land. The law thus solidifies the boundary between insiders and outsiders by indicating that Israel is defined by both birth (born of Israelite parents) and behavior (observant of Yahwism). Just as Israel was to isolate themselves from their neighbors then, so the present descendants of Israel must remain separate from the people of the land now.

The text also presents exclusive Yahwism as based in history and divine command, which therefore justifies imposing it in Yehud. The claims about the Yahwistic cult create a cultural boundary between the returnees and the inhabitants of Judea that corresponds to the physical and social barriers established by the prohibition against intermarriage and making covenants. In contrast to the festival calendar in Lev 23, which accommodates the needs of those not living in Yehud, the focus in Exod 34 on the land and on the series of annual festivals to be observed at the central cult site seems to envision an Israel in which all members of the community live in the land. The emphasis on participation in public ritual in the laws would also serve to forge bonds within the new Israelite community.[55] Finally, the Sabbath law seems to echo concerns about inconsistent Sabbath observance that appear in other texts from the postexilic period.[56]

4. Conclusions

Though we cannot date texts solely by the ideas that they contain, the ideas present in Exod 34:10–27 generally align with biblical depictions of the early postexilic period, before the Temple had been rebuilt and the cultus reinitiated, when those returning to Yehud were working to make a place for themselves and therefore had a vested interest in ensuring that as many of their community as possible returned with them. Defining themselves as the true Israel would also have helped establish a basis for those who returned to assume leadership in Yehud. Exodus 34:10–27 may derive from this period, or it may reflect a later author's engagement with a similar set of concerns.

In the Persian period, interpretation of authoritative texts, especially legal texts, increasingly became the means by which the Judeans established the criteria for membership in the community as "adherent[s] of YHWH or, in the terminology of Ezra 9:1, [members] of the 'people of Israel.'"[57] This may explain why the author of Exod 34 sought to compile a collection of laws that summarize

[55] See Baker, "Social Identity Theory and Biblical Interpretation," 130–31.

[56] See n. 51, above.

[57] Schaper, "Torah and Identity in the Persian Period," 33. See also Leith, "Israel among the Nations," 276–77; and Becking, "Law as Expression of Religion."

the key elements of a new Israelite identity.[58] Drawing on and harmonizing older laws in this context also makes sense, as a way of conferring their authority on the new compilation. Exodus 34:10–27 thus represents the strategic use of a legal composition to engage in the discourse about Israel that was active at the time. Incorporating the text into the Torah as the terms of a renewed covenant with YHWH at Sinai would have given further credence to the author's vision of Israel and what it means to be an Israelite.

Bibliography

Albertz, Rainer. *Exodus*, vol. 2, *Ex 19–40*. ZBK 2.2. Zürich: Theologischer Verlag, 2015.

Albertz, Rainer, and Bob Becking, eds. *Yahwism after the Exile: Perspectives on Israelite Religion in the Persian Era. Papers Read at the First Meeting of the European Association for Biblical Studies, Utrecht, 6–9 August 2000.* Assen, The Netherlands: Royal Van Gorcum, 2003.

Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. Rev. ed. London: Verso, 2006.

Baker, Coleman A. "Social Identity Theory and Biblical Interpretation." *BTB* 42.3 (2012): 129–38.

Becking, Bob. "Law as Expression of Religion (Ezra 7–10)." Pages 18–31 in *Yahwism after the Exile: Perspectives on Israelite Religion in the Persian Era. Papers Read at the First Meeting of the European Association for Biblical Studies, Utrecht, 6–9 August 2000.* Edited by Rainer Albertz and Bob Becking. Assen, The Netherlands: Royal Van Gorcum, 2003.

Ben Zvi, Ehud, and Diana V. Edelman, eds. *Imagining the Other and Constructing Israelite Identity in the Early Second Temple Period*. LHBOTS 456. London: Bloomsbury, 2014.

Berquist, Jon L. "Constructions of Identity in Postcolonial Yehud." Pages 53–65 in *Judah and the Judeans in the Persian Period*. Edited by Oded Lipschits and Manfred Oeming. Winona Lake, IN: Eisenbrauns, 2006.

Brenner, Athalya. "Territory and Identity: The Beginnings and Beyond." Pages 29–38 in *Exodus and Deuteronomy*. Edited by Athalya Brenner and Gale A. Yee. Texts@Contexts. Minneapolis: Fortress, 2012.

Brett, Mark G. "National Identity as Commentary and Metacommentary." Pages 29–40 in *Historiography and Identity (Re)formulation in Second Temple Literature*. Edited by Louis C. Jonker. London: Continuum, 2010.

Carr, David M. "Method in Determination of Direction of Dependence: An Empirical Test of Criteria Applied to Exodus 34,11–26 and Its Parallels." Pages 107–40 in *Gottes Volk am Sinai: Untersuchungen zu Ex 32–34 und Dtn 9–10*. Edited by Matthias Köckert and Erhard Blum. Veröffentlichungen der wissenschaflichen Gesellschaft für Theologie 18. Gütersloh: Kaiser, Gütersloher Verlagshaus, 2001.

–. *The Formation of the Hebrew Bible: A New Reconstruction*. Oxford: Oxford University Press, 2011.

[58] On the ways that biblical legal texts can participate in shaping a reader's perceptions of their identity, see Nasuti, "Identity, Identification, and Imitation."

Childs, Brevard S. *The Book of Exodus: A Critical Theological Commentary*. OTL. Louisville: Westminster John Knox, 1974.
Deignan, Alice. *Metaphor and Corpus Linguistics*. Converging Evidence in Language and Communication Research 6. Amsterdam: John Benjamins, 2005.
Edelman, Diana. "Exodus and Pesach-Massot as Evolving Social Memory." Pages 161–93 in *Remembering and Forgetting in Early Second Temple Judah*. Edited by Ehud Ben Zvi and Christoph Levin. Tübingen: Mohr Siebeck, 2012.
Eerdmans, Bernardus D. *Alttestamentliche Studien III: Das Buch Exodus*. Gießen: Töpelmann, 1910.
Frevel, Christian. *Mixed Marriages: Intermarriage and Group Identity in the Second Temple Period*. LHBOTS 547. New York: T & T Clark, 2011.
Gesundheit, Shimon. *Three Times a Year: Studies on Festival Legislation in the Pentateuch*. FAT 82. Tübingen: Mohr Siebeck, 2012.
Ginsberg, H. Louis. *The Israelian Heritage of Judaism*. New York: The Jewish Theological Seminary of America, 1982.
Guibernau, Montserrat. "Nationalism without States." Pages 592–612 in *The Oxford Handbook of the History of Nationalism*. Edited by John Breuilly. Oxford: Oxford University Press, 2013.
–. "Nations without States: Political Communities in the Global Age." *Michigan Journal of International Law* 25.4 (2004): 1251–82.
Halbe, Jörn. *Das Privilegrecht Jahwes: Ex 34,10–26. Gestalt und Wesen, Herkunft und Wirken in vordeuteronomischer Zeit*. FRLANT 114. Göttingen: Vandenhoeck & Ruprecht, 1975.
Johnstone, William, "The Revision of Festivals in Exodus 1–24 in the Persian Period and the Preservation of Jewish Identity in the Diaspora." Pages 99–114 in *Yahwism after the Exile: Perspectives on Israelite Religion in the Persian Era. Papers Read at the First Meeting of the European Association for Biblical Studies, Utrecht, 6–9 August 2000*. Edited by Rainer Albertz and Bob Becking. Assen, The Netherlands: Royal Van Gorcum, 2003.
Jonker, Louis C., ed. *Historiography and Identity (Re)formulation in Second Temple Literature*. London: Continuum, 2010.
Leith, Mary Joan Winn. "Israel among the Nations: The Persian Period." Pages 276–316 in *The Oxford History of the Biblical World*. Edited by Michael D. Coogan. Oxford: Oxford University Press, 1998.
Levinson, Bernard M. *Deuteronomy and the Hermeneutics of Legal Innovation*. Oxford: Oxford University Press, 1998.
–. "Goethe's Analysis of Exodus 34 and Its Influence on Wellhausen: The *Propfung* of the Documentary Hypothesis." *ZAW* 114 (2002): 212–23.
–. "Deuteronomy's Conception of Law as an 'Ideal Type': A Missing Chapter in the History of Constitutional Law." Pages 52–88 in *"The Right Chorale": Studies in Biblical Law and Interpretation*. FAT 54. Winona Lake: Eisenbrauns, 2011.
Lipschits, Oded, Gary N. Knoppers, and Manfred Oeming, eds. *Judah and the Judeans in the Achaemenid Period: Negotiating Identity in an International Context*. Winona Lake: Eisenbrauns, 2011.
Maxwell, Alexander. "Primordialism for Scholars Who Ought to Know Better: Anthony D. Smith's Critique of Modernization Theory." *Nationalities Papers* 48.5 (2020): 826–42.
Meyers, Carol. *Rediscovering Eve: Ancient Israelite Women in Context*. Oxford: Oxford University Press, 2013.

Milgrom, Jacob. *Leviticus 17–22: A New Translation with Introduction and Commentary*. Anchor Bible 3A. New York: Doubleday, 2000.

Morgenstern, Julian. "The Oldest Document of the Hexateuch." *HUCA* 4 (1927): 1–138.

Nasuti, Harry P. "Identity, Identification, and Imitation." *Journal of Law and Religion* 4 (1986): 9–23.

Nicholson, Ernest W. *God and His People: Covenant and Theology in the Old Testament*. Oxford: Clarendon, 1986.

Nihan, Christophe. "Ethnicity and Identity in Isaiah 56–66." Pages 67–104 in *Judah and the Judeans in the Achaemenid Period: Negotiating Identity in an International Context*. Edited by Oded Lipschits, Gary N. Knoppers, and Manfred Oeming. Winona Lake: Eisenbrauns, 2011.

Perlitt, Lothar, *Bundestheologie im Alten Testament*. WMANT 36. Neukirchen-Vluyn: Neukirchener Verlag, 1969.

Pfeiffer, Robert H. "The Oldest Decalogue," *JBL* 43 (1924): 294–310.

Propp, William H. C. *Exodus 19–40: A New Translation with Introduction and Commentary*. AB 2A. New York: Doubleday, 2006.

Rom-Shiloni, Dalit. "From Ezekiel to Ezra-Nehemiah: Shifts of Group Identities within Babylonian Exilic Ideology." Pages 127–51 in *Judah and the Judeans in the Achaemenid Period: Negotiating Identity in an International Context*. Edited by Oded Lipschits, Gary N. Knoppers, and Manfred Oeming. Winona Lake: Eisenbrauns, 2011.

Sarna, Nahum M. *Exodus: The Traditional Hebrew Text with the New JPS Translation*. JPS Torah Commentary. Philadelphia: The Jewish Publication Society, 1991.

Schaper, Joachim. "Torah and Identity in the Persian Period." Pages 27–38 in *Judah and the Judeans in the Achaemenid Period: Negotiating Identity in an International Context*. Edited by Oded Lipschits, Gary N. Knoppers, and Manfred Oeming. Winona Lake: Eisenbrauns, 2011.

Schmid, Konrad. "Judean Identity and Ecumenicity: The Political Theology of the Priestly Document." Pages 3–26 in *Judah and the Judeans in the Achaemenid Period: Negotiating Identity in an International Context*. Edited by Oded Lipschits, Gary N. Knoppers, and Manfred Oeming. Winona Lake: Eisenbrauns, 2011.

Sherman, Tina M. *Plant Metaphors in Prophetic Condemnations of Israel and Judah*. SBLAIL 49. Atlanta: SBL, 2023.

Smith, Anthony D. "When is a Nation?" *Geopolitics* 7.2 (Autumn 2002): 5–32.

Wodak, Ruth, Rudolf de Cillia, Martin Reisigl, and Karin Liebhart. *The Discursive Construction of National Identity*. Translated by Angelika Hirsch, Richard Mitten, and J. W. Unger. 2nd ed. Edinburgh: Edinburgh University Press, 2009.

On Moses's Foreskin

Narrative Repurposing of the Circumcision Ritual in the Priestly Source

Jason M. H. Gaines

The non-Priestly accounts of the call of Moses and his return to Egypt (Exod 3–4) describe the prophet as having two unusual characteristics. First, when God drafts Moses as his spokesman, Moses protests that he is inelegant and "heavy/slow" of mouth and tongue (כבד פה וכבד לשון, Exod 4:10). Rabbinic and modern commentators often interpret this passage to imply that Moses stutters or has another type of speech impediment. Second, the short and puzzling "Bridegroom of Blood" narrative in Exod 4:24–26 implies that Moses is uncircumcised, which angers God so much that the deity seeks to execute Moses.

In the Priestly version of Moses's calling (Exod 6:2–12), on the other hand, Moses also protests that his speech is disabled. In this instance, though, the terminology has changed: he is now "uncircumcised of lips" (ערל שפתים, Exod 6:12, 30). Whether Moses is uncircumcised of flesh goes unaddressed in the source document.

This essay proposes that Priestly author(s) were familiar with non-P texts that present Moses as uncircumcised, and that they sought to counter such traditions with a new narrative that merged Moses's lack of circumcision with his impeded speech. In accord with other passages where P harmonizes traditions or attempts to turn a negative account of God or Israelite ancestors into a more flattering version, P appears to reject the idea that Israel's most famous prophet would not be a member of God's covenant people (as enjoined on Abraham in Genesis 17). Unable or unwilling to ignore the non-circumcision tradition entirely, though, the Priestly source elegantly redefines Moses's foreskin from the physical to the metaphorical, from uncircumcised of body to "uncircumcised of lips."

The argument will proceed along two axes: first a discussion of Moses's foreskin and second a discussion of Moses's speech (both studies considering non-Priestly and Priestly texts). Finally, the argument will bring the two axes together, suggesting a Priestly appropriation and recasting of non-P traditions of Moses's speech impediment to show Moses as uncircumcised of lips, not of penis.

I. On Circumcision

I.1 Ancient Circumcision, Briefly

God establishes a covenant of land, blessing, and Godship with Abram in Genesis 17, choosing circumcision as the sign of this covenant.[1] Circumcision is neither a new phenomenon during the exile (a plausible date for the composition of Genesis 17),[2] nor is it unique to Israelite culture.[3] However, in exilic and Second Temple Judaism, the ritual becomes one of the most important defining characteristics of Judaism; 1 Macc 1:15 describes epispasm (the reversal of a circumcision) as the breakage of a covenant that renders a man a Gentile.[4] Surprisingly, biblical texts provide little discussion on the precise meaning or reason behind male circumcision. However, Isaac Kalimi sums up the emerging rabbinic view: "[T]he flesh of the foreskin is considered a defect; one who is uncircumcised, is one who is imperfect or blemished. Therefore, to circumcise the foreskin is to eliminate the defect, and become a perfect man physically."[5]

I.2 Moses's Foreskin in Non-P

Various rabbinic texts propose that some thirteen men, including Moses, were born "perfect" and already circumcised.[6] However, the presence or absence of Moses's foreskin is anything but clear in the Torah itself.

In the redacted text of Exodus 3–4, Moses journeys to speak to the Israelites and to tell them of YHWH's imminent deliverance from the miseries of Egypt and entrance into the blessings of Canaan.[7] One night on the return trip to Egypt, Moses encounters YHWH. The narration places four characters in the scene: the deity, Moses, his wife Zipporah, and one of their sons. (Exodus 4:20 says that Moses travels with his sons [plural], but the pericope only references one son in the story of the encounter – likely Gershom, given Exod 4:22's focus on the firstborn.) As they camp for the night, "YHWH met him and tried to kill him" (ויפגשהו יהוה ויבקש המיתו, v. 24). The referent of "him" is undefined in the text as

[1] On Israelite circumcision in general, see Bernat, *Covenant*, 13–42; also Olyan, "An Eternal Covenant," 347–58.

[2] See a summary of the conflicting attempts to date P in Gaines, *Poetic Priestly Source*, 458–59.

[3] See, for example, Part 1 of Janssen and Janssen, *Growing Up*. Famously, an Egyptian limestone bas relief from the tomb of Ankhmahor (c. 2340s BCE) in Saqqara depicts physicians circumcising two adolescents. On the relationship between Egyptian and West Semitic circumcision rituals, see first Sasson, "Circumcision," 473–76; and more recently, Wyatt, "Circumcision," 405–31.

[4] On the evolution of circumcision in Israelite religion, Judaism, and Christianity, see throughout Livesey, *Circumcision*.

[5] Isaac Kalimi, "Born Circumcised," 2–3.

[6] See Kalimi, "Born Circumcised," 1–12.

[7] I refer to the various texts sometimes attributed to J, E, and RJE as simply "non-P."

it currently stands, leaving two options: Moses himself or the unnamed son. Because the danger is not alleviated until action is performed upon Moses, I read the story as implying that God seeks Moses's death; it parallels other nighttime, mid-return-journey encounters between God('s representative) and an Israelite hero, such as Jacob's wrestling match with an angel in Genesis 27–28.

Zipporah cuts her son's foreskin with a flint, touching "his" genitals[8] (again, the most logical understanding is to see Moses as the referent) and pronouncing a semi-poetic incantation: "Truly you are a bridegroom of blood to me, … / A bridegroom of blood by circumcision" (4:25–26). The text does not explicitly define the reason for God's anger, but the reader sees that Zipporah's actions ameliorate the situation and cause God to abandon his plan to kill Moses.[9] In sum, I propose the following reading: Moses is uncircumcised, and God either newly becomes aware of this fact or else decides that Moses cannot in that state fulfill the duty to confront Pharaoh just enjoined upon him. By placing her son's presumably bloody foreskin on Moses's genitals, Zipporah convinces God that she has circumcised Moses.[10] Zipporah tricks the deity, who then abandons his murderous intentions.

The placement of this obscure story inside Moses's narrative is confusing, as a circumcision ritual would more likely transpire at a different stage of Moses's life. Moses might have become circumcised at marriage.[11] Priestly tradents, who likely postdate the composition of this ancient stub of mythology but perhaps preserve older practices, would insist that a father circumcise his child eight days after birth (Gen 17:12; Lev 12:3; see below). Other ancient Near Eastern cultures circumcised their children during childhood or as a puberty rite.[12]

Perhaps the "Bridegroom of Blood" narrative relates to the requirement that outsiders become circumcised before joining the Israelite community and partaking of its rituals (such as eating the Passover offering, cf. Exod 12:44 [P]).

---

[8] Literally his "legs," here used as a euphemism for the penis (cf. Judg 3:24, Isa 6:2, etc. [see רגל, meaning 4, in *HALOT*, 3:1185]).

[9] Zipporah performs three actions: she circumcises her son, touches the bloody membrane to Moses, and recites a ritualistic formula. Which action assuages God's wrath? Rabbinic exegetes hypothesize that Moses had failed to circumcise his son Eliezer, and circumcising the child averts the disaster (see Kugel, *Traditions*, 518, 538). However, that would leave Zipporah's second and third actions unexplained. Rather, her later actions seem more important, as Zipporah does not apparently avert the danger until she has performed all three actions.

[10] Readers must notice that Moses's circumcision was not the obvious result that God wanted out of the encounter, for the narration relates specifically that God sought "to kill him" (המיתו). However, the circumcision ruse satisfies God nonetheless.

[11] Jacob's sons demand that Shechem and his townspeople become circumcised before marrying Dinah (Gen 34:14–17), though this ceremony is not correctly labeled a marriage ritual. Instead, the significance of the surgery is to be a disabling ruse, even if the motivation is that an uncircumcised man cannot marry an Israelite woman. Moses and Zipporah reverse the situation, as a purportedly Israelite man marries a Midianite woman (Exod 2:16–21).

[12] See discussion in King and Stager, *Life in Biblical Israel*, 43–45.

Before Moses may rejoin his people, God must confirm that Moses is circumcised, just as any foreigner would have to undergo the ritual. Alternatively, Zipporah's smearing of blood to ward off danger from God might foreshadow the smearing of pascal blood on doorposts and lintels before the plague of the slaying of the firstborn. Unexplained in this theory, though, is why God's discovery of an uncircumcised Moses would throw God into a murderous rage.

A third option is that Israelites must reaffirm their circumcision, perhaps even undergo a second circumcision, before major historical events. Evidence for this view might occur in Josh 5:2: "At that time, YHWH said to Joshua, 'Make for yourself knives of hard stone, *and again circumcise the Israelites a second time* (ושׁוב מל את בני ישׂראל שׁנית)'." Perhaps the "seconding" of the circumcision ritual in MT refers to its reinstatement after having lapsed during the wilderness wandering.[13] Jack M. Sasson explains this episode by showing that circumcision techniques were markedly different between Egyptians and West Semites: "Whereas the Hebrews amputated the prepuce and thus exposed the corona of the penis, the Egyptian practice consisted of a dorsal incision upon the foreskin which liberated the glans penis." Sasson argues that this second circumcision would entail the removal of the prepuce, as the Israelites had already been circumcised in the Egyptian fashion. The verse "can now be explained as an injunction for those who have accepted an Egyptian circumcision to 'improve' on the ritual by undergoing a thorough removal of the foreskin."[14] Reading Exod 4:24–26 in conjunction with Sasson's interpretation of Josh 5:2 allows that Moses had previously only been circumcised in the Egyptian fashion, not in the more complete Israelite manner. More likely, though, is that a textual error has corrupted Josh 5:2.

LXX appears to have a different *Vorlage*: "Make yourself flint knives and sit (καὶ καθίσας) and circumcise the Israelites." The LXX translation of Joshua is somewhat shorter than MT, and both MT and LXX contain unique expansions not found in the other.[15] Emanuel Tov describes the translation style as "somewhat free, but not free enough in order to ascribe shortening, expansion, or large-scale changes to the translator."[16] In other words, LXX is a faithful translator of its Hebrew *Vorlage*, but this text is not always equal to MT.[17] Joshua 5:2 has two major differences from MT: retroverting the LXX's Greek to Hebrew,

[13] Alternatively, Robert G. Boling suggests that the "second time" refers to the circumcision of the second wilderness generation, the sons that God "raised up in their (fathers') stead" (v. 7); Boling, *Joshua*, 188–89. However, this explanation does not consider the true meaning of "a second time," requiring a second circumcision, perhaps even one that Joshua performs or oversees himself (God's command to Joshua [מל] is a second person imperative).

[14] Sasson, "Circumcision," 474.

[15] See further in Nelson, *Joshua*, 22–23.

[16] Tov, *Text Criticism*, 3:133.

[17] Nelson, *Joshua*, 22 n. 27; Tov, "Growth," 385–96; Mazor, *Septuagint*, 27–73.

we may posit the base text likely read ושב, "sit," instead of MT's ושוב, "again;" and LXX lacks the reference to a "second" time.[18] If LXX preserves an earlier or variant recension of the text, then Sasson's attempted recovery of an ancient double circumcision tradition is unnecessary. Sasson's solution is elegant, but the history of Joshua's textual development does not make it the most likely.

Instead, a reasonable reading of Exod 4:25–26 is to understand the story as claiming that Moses was uncircumcised when God called him to action, and he remained uncircumcised when liberating the Israelites from Pharaoh. Moses retained his foreskin, and this fact was apparently known, discussed, and passed down as part of the man/character's mythology in non-P.

I.3 Moses's Foreskin in P

Little can be written about the topic of Moses's foreskin in the Priestly source simply because the document does not specifically address the topic. This silence, though, is not due to a lack of interest in the practice of circumcision in Priestly texts. As mentioned above, the first command regarding circumcision in the Hebrew Bible occurs in P, in Genesis 17. God establishes a three-part covenant with Abram (now called Abraham), promising the land of Canaan, numerous offspring, and blessings to him and his descendants. God will be *their* God, so long as the Israelites follow God's ways and keep God's covenant (vv. 1–9). God says, "This is my covenant (בריתי) that you shall keep between me and you, and between your seed after you: Every male among you shall be circumcised; you shall circumcise the flesh of your foreskin" (vv. 10–11a).[19] This ritual is to occur when the child is eight days old and applies to Abraham's descendants proper and both their home-born and money-bought slaves (vv. 12–13). The text calls circumcision both the covenant itself (vv. 10, 13) and a sign of the covenant (v. 11), which I and others attribute to multiple textual layers. Abraham follows through with this commandment, performing the ritual in Gen 21:3–4.

However one may date P, its composition was at least a full millennium later than dates proposed for a supposed historical Abraham. As such, this text cannot be a reliable witness to ancient Israelite practice. However, much evidence does suggest that circumcision was at least a known phenomenon for much of Israelite history, before it rose to such prominence in P: the rite plays a significant role in the narrative of Dinah and Shechem (Genesis 34); Deuteronomistic authors

[18] See further in Nelson, *Joshua*, 72–77. Verse 5:2 is fragmentary in 4QJosh[a], but, like LXX, it does not appear that this text could have contained שנית because of spacing (see Ulrich, "4QJoshua[a]," 98–99).

[19] Genesis 17 undoubtedly contains textual layers, likely with multiple Priestly and Holiness expansions on a base text (often identified as P[g]). For recent discussion, see my own stratification of Genesis 17 in Gaines, *Poetic Priestly Source*, 121–52, where I argue for a base poetic text with prosaic supplementations from other Priestly or Holiness authors. See also Blenkinsopp, "Abraham as Paradigm," 236–38; Otto, *Die Tora*, 90–92; and Nihan, *Priestly Torah*, 195.

often hurl "uncircumcised" at the Philistines as an insult (for example, Judg 14:3; 1 Sam 17:26, 36), and David had to "earn" Michal through the delivery of one hundred Philistine foreskins (1 Sam 18:26–28; cf. 2 Sam 3:14). Circumcision was an ancient Israelite and ancient Near Eastern practice, but P systematizes and standardizes it.[20]

William H. C. Propp argues that Moses "undergoes at least symbolic circumcision" in the non-P texts, "[b]ut in P, his uncircumcision is never remedied."[21] I propose, to the contrary, that Moses's uncircumcision simply does not exist in P. To the Priestly authors, who make no mention of Moses's childhood, it was simply a given in their narrative that Moses would have been circumcised of flesh, since he is a beneficiary of the Abrahamic covenant (referenced explicitly in Exod 6:3).[22] In the Priestly narrative, therefore, any suggestion that Moses was uncircumcised of penis could not stand.

II. On Speech

II.1 Moses's Speech in Non-P

Moses is, at best, a reluctant leader. After his calling, he asks God a series of questions, which readers can interpret either as seeking information or as an avoidance tactic. When God instructs him to speak to Pharaoh to demand the Israelites' freedom, Moses first protests, "Who am I that I should go to Pharaoh and that I should bring out the Israelites from Egypt?" (Exod 3:11). In material traditionally attributed to the Elohist source, this protestation of insignificance constitutes Moses's first words. Moses then asks what the people should call God and what to do if the people disbelieve. Finally, instead of further querying the deity, Moses lodges a protest: "Please, my Lord, I am not a man of words (לא איש דברים אנכי) – not yesterday, nor the day before, nor since you have spoken to your servant – for I am heavy of mouth and heavy of tongue" (כי כבד פה וכבד לשון אנכי, 4:10).

[20] Further on this topic, see Brettler, "Transition," 429–47: "[T]he Priestly author of Genesis 17 cared about circumcision much more than any other *pentateuchal* author, but this does not suggest that in the exile all Israel suddenly found circumcision to have a new importance" (438, emphasis original).

[21] Propp, *Exodus 1–18*, 274.

[22] As mentioned, 1 Macc 1:15 tells Second Temple readers to equate "removing the mark of circumcision" with doing evil. Antiochus's inspectors murder women who have their children circumcised, "and they hung the [circumcised] infants from their mothers' necks" (1 Macc 1:60–61). Even if the Maccabean historian exaggerates, such a text shows how unthinkable it would have been to some first century BCE Jews to remain uncircumcised.

Traditional understandings of this verse fall into three categories: linguistic ineloquence, ignorance, and incapacity.[23] In the first instance, Moses's protestation that "I am not a man of words" can be read as conceptually parallel to "I am heavy of mouth and heavy of tongue," meaning that Moses is inarticulate. A related text might exist in Jeremiah's protestation that "I do not know how to speak, for I am (only) a boy" (Jer 1:6).[24] The lamenting prophet obviously possesses the power of speech, so we must understand that Jeremiah does not know what message to say or how to phrase it. Such a reading would parallel other call narratives, where a seraph touches Isaiah's mouth with a live coal (Isa 6:6–7) and Ezekiel must eat a scroll with God's words on it (Ezek 2:8–3:3). Moses might protest inelegance because of a lack of education. However, traditional sources have Moses educated in wisdom in Pharaoh's court, and no other extant source calls him uneducated.[25]

Second, Moses may mean that he would be unable to communicate with Pharaoh, as Pharaoh speaks Egyptian. In material traditionally attributed to the Yahwist, Moses grows up in the Egyptian court from the age of weaning, and he would therefore have learned Egyptian (Exod 2:10). However, since fleeing after killing an Egyptian man (2:15), Moses has perhaps lost the old tongue.[26] However, non-P sources gloss over the language barrier between Egyptians and Hebrews completely, so much so that Pharaoh's daughter bestows the name Moses, משׁה, "because I drew him out from the water" (מן־המים משׁיתהו, 2:10). An Egyptian woman gives a Hebrew etymology for an Egyptian name.[27] Adding limited support to the theory that Moses has lost his Egyptian language skills, though, is the fact that other texts equate speaking a foreign language with "stammering" (from the root לעג), such as Isa 33:19: "No more will you see the insolent people, / The people of speech too obscure to comprehend, / So stammering (נלעג) of tongue that there is no comprehension."

Third, to be "heavy" of mouth and tongue means to have a speech impediment; such an interpretation is present already in literature by at least the second century BCE.[28] *Exodus Rabbah* 1:31 attributes Moses's condition to a physical injury, relating a *midrash* that when Pharaoh's daughter brings Moses to Pharaoh,

---

[23] Ibn Ezra would combine the first two options, where "heavy of speech" refers to a natural disposition towards talking slowly and "heavy of tongue" refers to forgotten Egyptian language.

[24] Jeremiah describes himself as a נער, a "boy," though this term may imply a military rank or marriageability and not only youth (MacDonald, "Status," 149). Caution is required in using Jeremiah's call narrative to understand the non-P story of Moses's calling, though, as the former may model itself on the latter.

[25] See Kugel, *Traditions*, 530–31.

[26] Note, though, that if traditional source critical analysis is correct, then Moses's Egyptian birth narrative appears only in J while the speech passage under consideration represents E. The Elohist's Moses has no preserved Egyptian backstory.

[27] The name Moses relates to Ramses. For a survey of how ancient Jewish and rabbinic commentators handled this language irregularity, see Kugel, *Traditions*, 530.

[28] For example, Ezekiel the Tragedian has Moses say that "I stammer" in *The Exagōgē* (Kugel, *Traditions*, 510).

the infant tries to grab Pharaoh's crown, frightening onlookers. A test is devised to see if the action presages a threat to Pharaoh's power. A platter holding a gold piece and a burning coal is brought before the child, and when Moses reaches for the gold (indicating a lust for power), the angel Gabriel intervenes and causes Moses to choose the coal, which he puts in his mouth. He burns himself, causing the future disability. Not all rabbinic sources agree, though: Rashbam cautions, "Pay no attention to apocryphal books" that say Moses stuttered, while Rashi states simply, Moses is "a stutterer (ובלשון לעז בלב״ו)."

Jeffrey H. Tigay has shown conclusively that to be "heavy" of a vital organ is medical terminology referring to "a malfunction of the organ: the heavy ear cannot hear."[29] For example, when Jacob/Israel's eyes are heavy with age (ועיני ישׂראל כבדו מזקן), he is unable to see properly (Gen 48:10). Tigay's data, including a survey of Semitic cognates with כבד, show that being "heavy" of a body part, in this case the lips, does not refer to ineloquence or lack of knowledge of a given language, but neither does it suggest a speech impediment (in one medical text, a pre-verbal baby's mouth is "heavy").[30] Instead, such texts describe medical conditions that affect the mouth and therefore may hinder speech, but the speech impediment itself is not what is meant by the description.[31] To apply this understanding to Exod 4:10, Moses would imply that he suffers from a medical condition or has endured an injury that affects his speech. Perhaps, though, the biblical author is less precise than Tigay might assume. Other usages of כבד do not imply a medical condition, such as when Moses's arms grow "heavy" when he must hold them up continually in a battle; Moses requires a stone chair, while Hur and Aaron help him hold his arms aloft (Exod 17:12). His arms are not malfunctioning, but rather they are tired.[32]

Which of these interpretations is the most likely? It is unclear how long Moses has been absent from Egypt in the non-P versions of events, but it need not have been more than a few years. Moses is newly married and has young sons (Exod 18:2–4), so P's image of an octogenarian Moses (7:7) is inconsistent with non-P texts.[33] The option that Moses had forgotten his native language in the span of a few years (if reading the non-P texts synchronically) seems unlikely.

Instead, I propose that the answer can best be found by studying God's response to Moses's protestations. The deity counters, "Who put a mouth in

[29] Tigay, "Heavy," 57.

[30] Tigay, "Heavy," 59. Ezekiel 3:5 describes people who are "obscure of speech and heavy (כבדי) of tongue" as those who would not be able to understand the prophet, but the relevant phrase is likely a gloss harmonizing Ezekiel with Exod 4:10 (Zimmerli, *Ezekiel 1*, 93).

[31] Tigay, "Heavy," 60.

[32] Marc Shell reads this story to indicate that Moses is indeed lame, buttressed by the fact that the text consistently portrays Moses as needing a walking staff ("Moses' Tongue," 156–57).

[33] To be sure, the redacted text presents a multigenerational interval between Moses's departure and the events of the Exodus, as the "long time" described in Exod 2:23 becomes sixty years when read synchronically with 7:7.

humans, or who makes (one) mute, or deaf, or seeing, or blind? Is it not I, YHWH? Now go! I will be with your mouth and instruct you what you will say" (Exod 4:11–12). This response has two parts. First is an explanation that God makes humans as they are, with physical defects and without. God specifically lists three disabilities as his doing: muteness, deafness, and blindness; likewise, the ability to see also originates with God. Why would God mention these physical limitations in his response? Likely because God understands Moses as claiming to have a corresponding disability. God's response – the existence of people who cannot speak at all occurs according to divine will – is only contextually appropriate if God understood Moses to be protesting that he could not physically speak fluently. However, God also continues by saying that he will tell Moses what to say. This second part of the response points instead towards Moses's protestations of ineloquence, for God telling Moses the words is not a solution if Moses is physically unable to say those words.

In short, Moses makes two protestations: I do not know what to say, and I am physically impaired. God responds chiastically: I made you physically impaired, and I will tell you what to say. In other words, I propose that reading Moses's protestation as a single idea expressed in parallel phrases is incorrect. Moses both protests inability to formulate language and inability to speak it once formulated.

A further question remains, though. God solves the first problem by giving Moses words. Does God also solve the second problem?[34] The deity does indeed have the power to cure a speech condition, as Isaiah says that on a glorious future day, "[t]he tongues of the stutterers will speak readily and clearly" (Isa 32:4b).[35] Surprisingly, Exodus is silent on this point, but I propose that yes, God does indeed solve Moses's "problem." It would be inconsistent for God to provide solutions to all of Moses's other excuses but to remain quiet about this one. God tells Moses what to do if the people do not believe he is a prophet: he should perform magic, turning his rod into a snake, healing leprous flesh, or turning Nile water into blood (4:1–9). Similarly, God dispatches Aaron when Moses further pleads that God send someone else (4:13–16). I find it unlikely that only Moses's protestation that "I am heavy of mouth and heavy of tongue" would go unaddressed.

When past scholars have considered whether God heals Moses in this passage, they equate God healing Moses with God curing Moses of his disability. Rather, God's healing act is to tell Moses that the prophet's capacity for speech is exactly

[34] Moses does not ask that God cure him of his condition likely because he wants to avoid the commission. In a related episode in the Qur'an, in contrast, Moses asks God to "[u]ntie my tongue, so that they may understand my words" (Q Ta Ha 20:26–29, trans. M.A. S Abdel Haleem).

[35] In the New Testament Gospel of Mark, Jesus is brought a deaf man who had "an impediment in his speech," and Jesus proclaims, "Be opened (εφφαθα)." The man's "tongue was released, and he spoke plainly" (Mark 7:32–35, NRSV).

as God wills it. To put this idea in modern parlance, Moses is not *dis*abled, but rather he is *differently* abled, and the solution to his "problem" is for Moses to realize that God formed Moses this way. In other words, God heals Moses by telling him that his level of physical ability is as God ordains it. Moses does not require *physical* healing, only *psychological*.

Whether God heals Moses or not, though, a supposed stammer makes no appearance in the text. Had the Pentateuchal authors sought to convey that Moses had difficulty speaking, they could have added third-person narration that Moses had stammered; they might have also conveyed broken speech in Moses's dialogue, such as when Isaiah quotes a person "with stammering lips" (בלעגי שׂפה) who utters the phrase צו לצו צו לצו קו לקו קו לקו, which NJPS translates effectively as "Mutter upon mutter, / Murmur upon murmur" (28:10). The speaker, likely a stutterer, is unable to speak the emphatic consonants *tzade* and *qop* fluently. In short, biblical authors could have transcribed a stutter, yet they never do for Moses, before or after his encounter at the burning bush.[36]

Jonathan L. Friedmann proposes that Moses's occasional use of song might have been a coping mechanism: "he spoke haltingly, but sang with crystal clarity" in a way that "coincides with the experiences of many people who stutter."[37] Modern speech pathologists have indeed recognized that those who stutter are less likely to experience disfluency while singing: "Conditions that temporarily ameliorate stuttering, such as singing or speaking in a rhythm, probably improve fluency by giving speech and language processes more time or an external organizing stimulus to aid speech production. They may also involve other parts of the brain and not those anomalous networks used inefficiently for typically spoken language."[38] However, poetry/songs attributed to Moses (such as Exodus 15 [with Miriam], Psalm 90, and Moses's farewell address [Deuteronomy 30–33]) are historically unverifiable, and the critic must use caution reconstructing any characteristics of a possible historical Moses from the poetry attributed to the character Moses. In addition, the tradition of using epic poetry to convey plot and emotion at critical junctures is a narrative device not limited to characters with possible speech impediments. Therefore, I find little convincing evidence to use Moses's propensity to communicate in song as an indication that the man or the character stuttered.

Three possible solutions suggest themselves to explain Moses's claim to have a speech impediment, God's inaction to diminish it physically, and the impediment's failure to reappear in the unfolding narrative. First, Moses could be lying, claiming a hindrance he does not in fact possess in order to avoid

[36] Moses speaking reduplicative words, such as ציצת, does not necessarily indicate a stutter (Shell, "Moses," 173).

[37] Friedmann, *Music*, 93.

[38] Guitar, *Stuttering*, 109.

his unwanted mission. Second, Moses could have grown in confidence, and an increase in his self-confidence causes an inverse decrease in his speech impediment. Third, the biblical authors could have given Moses a speech disability to heighten his reluctance and magnify his later triumph. Once the stammer serves its narrative purpose, the authors abandon it.

II.2 Moses's Speech in P

In the Priestly source, God orders Moses to speak to the Israelites and tell them that YHWH will redeem them from bondage with an outstretched arm (Exod 6:2–8). In this version, Moses makes no protestations and conveys the message immediately, but the Israelites "did not hear Moses out of shortness of spirit and hard labor" (6:9). When God tells Moses to speak to Pharaoh, only then does he protest: if the Israelites do not listen, will Pharaoh? Already in the narrative, P transforms Moses vis-à-vis the non-P narratives. In non-P texts, Moses pre-protests his appointment to the point of angering God. Here, Moses has good reason to protest. The objection is not that Moses cannot fulfill his calling, but rather that the mission will not be successful.

Moses then asks, "How will Pharaoh listen to me, for I am foreskinned of lips" (ואני ערל שפתים, 6:12). P's Moses claims to have some sort of communication difficulty, but this time the terminology has changed from being "heavy" (כבד) of lips in non-P to being "uncircumcised" (ערל) of lips.[39] Although the Targumim use identical terminology to describe Moses's speech in Exodus 4 and 6, the meaning of the Hebrew is quite different. Tigay points out that כבד and ערל are sometimes both used in similar circumstances (compare to "make heavy [הכבד] its ears" in Isa 6:10 to "their ear is uncircumcised [ערלה]" in Jer 6:10, both indicating incomprehension).[40] However, no poetic text sets the two in parallel.

The most common organ described in biblical literature as uncircumcised is the heart. Leviticus 26:41 describes those who do not follow God's commandments and reject God's laws as "uncircumcised of heart," the opposite of which is a humble heart;[41] Deuteronomy would have the stubborn and stiff-necked people who do not fear God or walk in his ways "circumcise the foreskin of your heart" (Deut 10:16). To be uncircumcised of heart, then, is to ignore God's commandments and reject his awesomeness.[42] Foreigners are both "uncircumcised of heart and uncircumcised of flesh" in Ezekiel's estimation (Ezek 44:7, 9).

The most likely interpretation for the Priestly passage is, therefore, that Moses's uncircumcised lips disallow him to repeat God's message. In Propp's words, the

[39] Moses repeats this claim in Exod 6:30, likely a *Wiederaufnahme* after a later editor added Moses's genealogy in Exod 6:14–27 (see Gaines, *Poetic Priestly Source*, 365 n. 170).

[40] Tigay, "Heavy," 57.

[41] See a discussion of metaphorical circumcision in Bernat, *Covenant*, 79–114.

[42] See also Jer 9:25; cf. Deut 30:6 and Jer 4:4.

metaphor "primarily describes inherent unfitness to transmit Yahweh's word – unfitness which Moses has just demonstrated in failing to convince the Hebrews."[43] However, I argue against such an interpretation. The metaphorical usages of uncircumcision describe ignoring God's teachings. However, Moses has already successfully imparted the deity's message. Instead of saying "How will Pharaoh listen to me, for I am foreskinned of lips" (Exod 6:12), Moses should rather have asked, "How will Pharaoh listen to me, for *he* is foreskinned of heart?"

In charitable terms, P invents a new metaphorical meaning for "uncircumcised" body parts, with the nonliteral meaning now implying that the prophet is impeded rather than unwilling to use the organ. In a less charitable view, though, P expands the metaphor to the point that its meaning is no longer clear.

Why do Priestly authors, who generally favor clarity and precision, use this muddled metaphor at all? One plausible explanation is that P's (mis)use of this metaphor accomplishes two goals. First, it relates that Moses has a communication problem and creates the need for Aaron the priest to serve as spokesperson to Pharaoh. Second, it recasts earlier traditions that Moses was uncircumcised of foreskin, a situation that the Priestly authors would have found either unlikely or untenable.

III. Conclusions

Significant research has shown that Priestly authors often recast non-P stories in ways that show God and the heroes of Israel to better effect.[44] The non-P creation story ends with God cursing humanity: the woman will feel sexual desire despite the pain and danger of childbirth, and the man must toil to farm an unrelenting earth until his death and return to dust (Gen 3:16–19). In contrast, P's narrative concludes with humanity's blessing: "God blessed them, and God said to them, 'Be fruitful and multiply, and fill the earth and subdue it. Rule over the fish of the see and over the birds of the heavens, and over every beast, they that creep on the earth'" (Gen 1:28). Sarah's mistreatment of Hagar and Ishmael's ignoble birth (Gen 16:1–2, 4–14 [traditionally J] and 21:8–21 [traditionally E]) is stripped entirely from the corresponding Priestly account (16:3, 15–16). Gone too from the Priestly narrative is Rebekah and Jacob's trickery of Isaac and Esau. In the current example, P transforms Moses's call narrative entirely, with Moses's reluctance changed from a stalling tactic to a reasonable response with Moses having already attempted to do as YHWH asked. The document then recasts

[43] Propp, *Exodus 1–18*, 274.

[44] For example, see Smend, *Entstehung*, 54; Hundley, "The Way Forward," 220–24; and Gaines, *Poetic Priestly Source*, 295–96.

Moses's uncircumcision from the literal to the metaphorical, from foreskin to lips. Perhaps the Priestly authors hope to transform the popular tradition that Moses was uncircumcised; they cannot *deny* what might have been a well-known fact in Israelite tradition, but they can *redefine* its nature.[45]

If the foregoing historical reconstruction is correct, then the origins of Moses's speech impediment in at least the Priestly literature seem entirely mundane; the authors included it in order to counter the damaging perception that Moses was not a party to the Abrahamic covenant. (P often elevates Aaron by denigrating Moses, but not to the point of excluding Moses from God's covenant.[46]) Studying the text reveals what I consider to be a moving message, though: despite Moses having a speech impediment in multiple Pentateuchal narrative strands, he becomes one of history's greatest orators. He is the person with whom God speaks "mouth to mouth, plainly and not in riddles" (Num 12:8), unconcerned with any disability of that mouth to speak.

Previous studies have shown that P's call narrative recasts non-P traditions, for example to elevate Aaron over Moses. This study builds on such work, connecting the topics of Moses's speech with the presence or absence of Moses's foreskin. Though the non-P "Bridegroom of Blood" narrative lends itself to various interpretations, my reading is that the text presents Moses as being uncircumcised both before and after his calling. Non-P also presents Moses as possessing some sort of speech disfluency that would render him less than fully capable of addressing Pharaoh. When the author(s) of the Priestly source reworked these earlier traditions, they likely found untenable any indication that Moses was uncircumcised. Following the Priestly convention of smoothing over character inconsistencies or glossing over embarrassing details in earlier Israelite narratives, the Priestly writers rather eloquently combine these two unusual details about Moses. Unable to deny or expunge the historical memory of Moses's uncircumcision, they recast it from the literal (foreskinned of penis) to the metaphorical (foreskinned of lips). Moses can therefore become fully part of the Abrahamic covenant, which for P requires literal genital circumcision. As Israelite traditions changed and evolved to place a greater emphasis on circumcision, so too did change the biblical understanding of Moses's body.

[45] A parallel situation might exist in non-P, where the compiler/author severely truncates the Bridegroom of Blood narrative to the point of becoming nearly entirely opaque but does not exclude it from the document altogether.

[46] See the careful study in Bernat, *Covenant*, 83–89; Bernat argues that P's changes to the JE call narrative serve the purpose of elevating Aaron over Moses.

Bibliography

Bernat, David A. *Sign of the Covenant: Circumcision in the Priestly Tradition*. Ancient Israel and Its Literature 3. Atlanta: Society of Biblical Literature, 2009.

Blenkinsopp, Joseph. "Abraham as Paradigm in the Priestly History in Genesis." *JBL* 128 (2009): 225–41.

Boling, Robert G. *Joshua*. AB 6. Garden City, NY: Doubleday, 1982.

Brettler, Marc Zvi. "The Transition from Ancient Israelite Religion to Judaism." *CBQ* 61 (1999): 429–47.

Friedmann, Jonathan L. *Music in the Hebrew Bible: Understanding References in the Torah, Nevi'im and Ketuvim*. Jefferson, NC: McFarland, 2014.

Gaines, Jason M. H. *The Poetic Priestly Source*. Minneapolis: Fortress, 2015.

Guitar, Barry. *Stuttering: An Integrated Approach to Its Nature and Treatment*. 4th ed. Philadelphia: Wolters Kluwer Health/Lippincott Williams & Wilkins, 2014.

Hundley, Michael. "The Way Forward Is Back to the Beginning: Reflections on the Priestly Texts." Pages 209–24 in *Remembering and Forgetting in Early Second Temple Judah*. Edited by Ehud Ben Zvi and Christoph Levin. FAT 85. Tübingen: Mohr Siebeck, 2012.

Janssen, Rosalind M. and Jac J. Janssen. *Growing Up and Getting Old in Ancient Egypt*. London: GHP, 2007.

Kalimi, Isaac. "He Was Born Circumcised: Some Midrashic Sources, Their Concept, Roots and Presumably Historical Context." *ZNW* 93 (2002): 1–12.

King, Philip J. and Lawrence E. Stager. *Life in Biblical Israel*. Library of Ancient Israel. Louisville: Westminster John Knox, 2001.

Kugel, James. *Traditions of the Bible: A Guide to the Bible As It Was at the Start of the Common Era*. Cambridge: Harvard University Press, 1998.

Livesey, Nina E. *Circumcision as a Malleable Symbol*. WUNT 2/295. Tübingen: Mohr Siebeck, 2010.

MacDonald, John. "The Status and Role of the Na'ar in Israelite Society." *JNES* 35 (1976): 147–70.

Mazor, Lea. *The Septuagint Translation of the Book of Joshua: Its Contribution to the Understanding of the Textual Transmission of the Book and Its Literary and Ideological Development*. PhD diss, Hebrew University, 1994.

Nelson, Richard D. *Joshua*. OTL. Louisville: Westminster John Knox, 1997.

Nihan, Christophe. *From Priestly Torah to Pentateuch*. FAT II/25. Tübingen: Mohr Siebeck, 2007.

Olyan, Saul M. "An Eternal Covenant with Circumcision as Its Sign: How Useful a Criterion for Dating and Source Analysis?" Pages 347–58 in *The Pentateuch: International Perspectives on Current Research*. Edited by Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz. FAT 78. Tübingen: Mohr Siebeck, 2011.

Otto, Eckart. *Die Tora: Studien zum Pentateuch: Gesammelte Aufsätze*. BZAR 9. Wiesbaden: Harrassowitz Verlag, 2009.

Propp, William H. C. *Exodus 1–18*. AB 2. New York: Doubleday, 1998.

Sasson, Jack M. "Circumcision in the Ancient Near East." *JBL* 85 (1966): 473–76.

Shell, Marc. "Moses' Tongue." *Common Knowledge* 12 (2006): 150–76.

Smend, Rudolf. *Die Entstehung des Alten Testaments*. TW 1. Stuttgart: Kohlhammer, 1978.

Tigay, Jeffry H. "'Heavy of Mouth' and 'Heavy of Tongue': On Moses' Speech Difficulty." *BASOR* 231 (1978): 57–67.

Tov, Emanuel. "The Growth of the Book of Joshua in the Light of the Evidence of the LXX Translation." Pages 385–96 in *The Greek and Hebrew Bible: Collected Essays on the Septuagint*. VTSup 72. Leiden: Brill, 1999.

–. *Text Criticism of the Hebrew Bible*. 3rd revised and expanded ed. Minneapolis: Fortress, 2012.

Ulrich, Eugene. "4QJoshua[a] and Joshua's First Altar in the Promised Land." Pages 89–104 in *New Qumran Texts and Studies*. Edited by George J. Brooke. STDJ 15. Leiden: Brill, 1994.

Wyatt, Nicolas. "Circumcision and Circumstance: Male Genital Mutilation in Ancient Israel and Ugarit." *JSOT* 33 (2009): 405–31.

Zimmerli, Walther. *Ezekiel 1*. Translated by Ronald E. Clements. Hermeneia. Philadelphia: Fortress, 1979.

The Decalogue in Deuteronomy and (then) in Exodus

Joel S. Baden*

Scholars looking to access the core of ancient Israelite faith – itself, probably, an anachronistic concept imported from scholars' own, usually Protestant, context – have often landed on the Decalogue as the closest thing. "The covenant at Sinai was the formal means by which the semi-nomadic clans, recently emerged from state slavery in Egypt, were bound together in a religious and political community. The text of that covenant is the Decalogue."[1] Not everyone is as confident about it as George E. Mendenhall was, but the impulse to see the Decalogue as ancient Israel's earliest identity statement is not uncommon.[2]

In the following pages, I propose an argument for the literary origins and development of the Decalogue. Many of the points made below are not new to biblical scholarship, but I think that the full picture I attempt to draw here is, especially from within the world of the (Neo-)Documentary Hypothesis.[3]

The Decalogue, famously, appears twice in the Pentateuch: once in Exod 20, and once in Deut 5. In both cases, it appears embedded within narrative – there is no such thing as free-standing law in the Bible. And so understanding the Decalogue means also understanding the narrative frameworks in which it appears. Since J and P do not have any idea that there was ever such a thing as the Decalogue, I will leave them out of this discussion entirely, and focus on the way that the story of the Decalogue is told in Deuteronomy and in an Exodus from which J and P have been removed.

---

* As a discussion of the history of legal texts in the Hebrew Bible, I hope that this contribution is a fitting tribute to David Wright, who has done so much to advance our understanding of where the Bible's law codes come from and how they work within their narrative contexts, and who has been a steadfast support for the entirety of my academic career.

[1] Mendenhall, *Law and Covenant*, 5.

[2] See, e. g., Gottwald, *The Hebrew Bible*, 209; Weinfeld, *Deuteronomy 1–11*, 262–63; Meyers, *Exodus*, 166. The many claims in the history of scholarship that the Decalogue as we have it in Exodus and Deuteronomy is based on some earlier, shortened form of these laws is a symptom of the same assumption, that the Decalogue must have existed as a well-known ancient legal unit. See, e. g., Driver, *Introduction to the Literature of the Old Testament*, 33; Noth, *Exodus*, 161, 167–68; Clements, *Exodus*, 120–22; Childs, *Exodus*, 391; Blenkinsopp, *The Pentateuch*, 208–209; Levin, *The Old Testament*, 87–90. So too for the older scholarly claim that the Decalogue was associated with a communal cultic celebration, as suggested first by Mowinckel, *Le décalogue*.

[3] The literature on the Decalogue, even on only its literary history, is immense, and I make no attempt to be completist about citing from it in this essay. Apologies to anyone whose work, or whose favorite work, I have omitted.

As I have argued at length elsewhere, D's retelling of Israel's time in the wilderness between Egypt and Canaan is dependent in particular on the narrative of E, though there are of course many moments at which D alters the E base text, both conceptually and stylistically.[4] This is perhaps nowhere more evident than in the section under discussion here, that is, the theophany at Horeb and the episode of the golden calf that follows thereon. It is worth pausing for a moment to clarify one of the ways that D changes E's story, and the one that is perhaps the most important, though at times overlooked by the casual reader. In E, after the theophany and the people's expressed desire for Moses to act as intermediary (Exod 20:18–20), Moses goes up the mountain and receives the laws of the Covenant Code (Exod 20:21–23:33). Similarly, in D, after the theophany and the people's expressed desire for Moses to act as intermediary (Deut 5:23–27), Moses goes up the mountain and receives the laws – but, naturally enough, the Deuteronomic laws, rather than E's Covenant Code (Deut 5:31). But this is where the stories diverge, crucially. In E, Moses comes back down the mountain and tells the Israelites the laws of the Covenant Code, they accept the laws, Moses writes them down, they accept them again, and there is a whole covenantal ceremony (Exod 24:3–8). Then Moses goes back up to get the tablets (24:12–15). In D, by contrast, Moses does not come back down to tell the laws to the people. Rather, according to D, Moses got the full set of Deuteronomic laws – what currently occupies Deut 12–26 – and then held onto them through the entire wilderness until Israel arrived at the plains of Moab. Then, and only then – in the "now" of D's narrative – does Moses transmit the laws to Israel. Thus when D retells E's story it omits the covenant ceremony that follows the giving of the laws – since D has eliminated the Covenant Code from its narrative, it has eliminated the ritual that certified the Covenant Code as well.

This change reconfigures D's story as a whole. According to D, the Israelites came to Horeb, where God appeared to them and proclaimed in their hearing the Decalogue. The people, upon hearing these laws, were willing to follow whatever YHWH might tell Moses, which YHWH approved of: "May their minds always be thus inclined, to fear me and keep all my commandments always!" (Deut 5:29). So YHWH dismissed the people and gave Moses the rest of the laws – which Moses then held onto for forty years. And though that sounds faintly ridiculous, D is very clear that the laws YHWH gave Moses on Horeb – that Moses transmits to Israel only many years later in the plains of Moab – are specifically about how Israel is to behave once they are in the promised land: "I shall tell you the whole instruction and the statutes and the laws that you will teach them and they will observe in the land that I am giving to them to possess" (5:31). The main Deuteronomic legal collection is for in the land; the Deca-

[4] See Baden, *J, E, and the Redaction*, 99–195; Baden, "The Deuteronomic Evidence"; Baden, "Deuteronomy Reads the Pentateuch."

logue, it would seem, is the law for the wilderness period.[5] This is not what E has, but it is sensible enough on its own terms. And D is clear that the covenant to be made in Moab, on the basis of the Deuteronomic laws, is separate from the covenant made at Horeb, on the basis of the Decalogue: "These are the terms of the covenant which YHWH commanded Moses to make with the Israelites in the land of Moab, in addition to the covenant which he had made with them at Horeb" (Deut 28:69).

D thus has two law codes – the Decalogue and the Deuteronomic laws – and two covenants. E, for its part, also ostensibly has two law codes – the Decalogue and the Covenant Code – but only one covenant. Which raises the question: what is the content of E's covenant? Is it the Decalogue, or is it the Covenant Code? The name itself – which, though a scholarly title, is derived from the biblical text itself, in Exod 24:7, ספר הברית – is something of a giveaway: E's covenant is made on the basis of the Covenant Code, not the Decalogue.[6] And the basic plot makes this apparent as well. When God speaks in Israel's hearing in E, in Exod 20, no covenant is made. It is when Moses returns with the laws of Exod 21–23 and repeats them to the people that the ceremony occurs: "Moses wrote down all the words of YHWH … He took the scroll of the covenant and read it aloud in the hearing of the people, and they said, 'All that YHWH has spoken we will do, and we will be obedient.' Moses took the blood and sprinkled it on the people, and said, 'This is the blood of the covenant that YHWH has made with you in accordance with all these words" (Exod 24:4, 7–8).

Once we recognize that the covenant at Horeb, in E, is made on the basis of the Covenant Code, and not the Decalogue, we are left with the real question: what is the Decalogue doing in E? What function does it serve? We can go back to the beginning of the story, where YHWH says to Moses, "I am about to come to you in a thick cloud, in order that the people may hear when I speak with you and thus trust you forever" (Exod 19:9). From this perspective, the Decalogue is not for its own sake, so to speak, but rather serves as an experiential lesson for the Israelites who hear it. They will hear YHWH talking to Moses, and that is how they will know that YHWH indeed speaks to Moses, which will lead them to appoint Moses as their intermediary for all further divine communication. And this is, of course, exactly what happens: "You speak to us, and we will listen; but do not let God speak to us, lest we die" (20:19). And Moses affirms that this was indeed the whole point of the theophany: "God has come only to give you this experience and in order that the the fear of him will be before you so that you do not sin" (20:20).[7]

---

[5] See Stackert, *Deuteronomy and the Pentateuch*, 73.

[6] See Blum, "The Decalogue," 295. Some older scholarship took the precise opposite line, seeing the Decalogue story as the original E material and the Covenant Code as the intrusion: see, e.g., Kuenen, *An Historico-Critical Inquiry*, 152–53.

[7] On the translation of נסה here, see Greenberg, "נסה in Exodus 20:20."

In this light, the Decalogue in E functions in service of the Covenant Code.[8] Which is not objectively strange, necessarily, but certainly is not really how the Decalogue has usually been understood by readers. That is probably because most readers are reading canonically, and importing, consciously or unconsciously, the status of the Decalogue in Deuteronomy back into the Decalogue in Exodus. But again: in Exodus, in E, the Decalogue is not the basis of a covenant; it is not the purpose of the encounter at the mountain; it is not the focus of the story. It is there only to justify and support Moses's status as God's authentic prophetic mouthpiece.

So I have long thought, and taught, and said in print.[9] But I have become convinced that the Decalogue does not really work all that well on that front, either. Look again at what YHWH says to Moses about the purpose of the theophany: "In order that the people may hear when I speak with you" (Exod 19:9). "When I speak with you" – this is not really what is happening in the Decalogue, at least not as it is usually understood. D, at least, tells us that YHWH spoke the Decalogue directly to Israel – "face to face," even (Deut 5:4). Now, the people hearing YHWH speak the laws of the Decalogue directly to them might well convince them, as is the case in D, that they need Moses to intermediate. And the people hearing God speaking with Moses might well convince them, as YHWH suggests in E, that Moses is already a true prophet, and is authorized to deliver communication from the deity. But these are not, in fact, the same thing.

E's description of the theophany experience itself is telling: "When the people witnessed the thunder and the lightning, the sound of the trumpet, and the mountain smoking, they were afraid and trembled at a distance" (Exod 20:18). A central part of the experience is missing here: something like, "When the people heard YHWH speaking the words of the Decalogue." It is as if the people are reacting entirely to the epiphenomena of the theophany, rather than to what is generally understood to be its central feature.[10] And then what do they say to Moses? "You speak to us, and we will listen; but do not let God speak to us, lest we die" (20:19). Here again, this is not quite what we'd expect the people to say, having just received the Decalogue.[11] Notably, D has exactly what we would expect: "YHWH our god has shown us his presence and his greatness, and we have heard his voice from within the fire … If we continue to hear the voice of YHWH our god any longer we will die" (Deut 5:24–25). This tracks: we heard the voice of YHWH, it was terrifying, and we do not want to hear it anymore. Anymore –

[8] For a similar idea, though from a different perspective, see Kratz, *The Composition of the Narrative Books*, 142–44.

[9] See Baden, "The Transformation of the Decalogue."

[10] See, e. g., Graupner, *Der Elohist*, 126. The missing reference to the divine voice was raised already by Abarbanel.

[11] As already observed by Ramban.

the crucial word and idea missing from E. "Do not let God speak to us, lest we die" – they surely meant to say "Do not let God speak to us again," no?

All of these issues – the underlying question of the purpose of the Decalogue, and the seeming lack of recognition of it by the Israelites afterword – are resolved when we read the E narrative without the Decalogue in it.[12] The purpose of the Horeb experience in E is, as YHWH says right from the beginning, the making of a covenant on the basis of the laws he is about to give: "If you obey my voice and keep my covenant, you shall be my treasured possession out of all the peoples" (19:5). The theophany proper, as we have seen, is not for the purpose of law-giving – that will happen privately between God and Moses – but is rather to authorize Moses as prophet, precisely so that when he does give Israel the laws of the Covenant Code they know that he is a legitimate divine messenger (19:9). On the basis of these introductory statements, what we expect to happen is that there will be a theophany in which God speaks with Moses – not to the Israelites – and that the Israelites will as a result authorize Moses to act as their intermediary with the deity, after which Moses should receive the laws and then transmit them to the people. And that is precisely what happens – when the Decalogue is removed from the story.

There is an impressive sound and light show of thunder and lightning and a cloud and a horn (19:16, 19a), and Moses and YHWH have a conversation: "As Moses spoke, God answered him in thunder" (19:19). Note here too how this does not really fit with our usual idea of the Decalogue. What is Moses doing speaking? Why is God answering, rather than declaring?[13] But when we read it from the perspective of its own narrative setup it makes all the sense in the world. This is not about law-giving at all. It is about the people seeing and hearing that Moses and God talk to each other: "In order that the people may hear when I speak with you" (19:9). And this, explicitly, is what the people witness: "All the people saw the thunder and lightning, the blare of the horn and the mountain smoking" (20:18). Strikingly, the text does not say that the people heard YHWH speaking the Decalogue, to Moses or to them or to anyone else. It is clear, in fact, that they have not heard YHWH speaking directly to them at all: "You speak to us and we will obey; but let not God speak to us, lest we die" (20:19).[14] It is the sound and light, the thunder and lightning and the horn, that represent the

[12] For a summary of early scholarly opinions along these lines, see Brightman, *The Sources of the Hexateuch*, 158–59. More recently, see Albertz, *Exodus 19–40*, 52–54.

[13] The logical difficulty here is evident from the traditional midrashic explanation of this verse, that Moses was repeating the laws of the Decalogue to the Israelites and the divine "response" is in fact God assisting by making Moses's voice stronger (so, e. g., Rashi, Mekhilta de R. Yishmael).

[14] The number of scholars who import into the Decalogue narrative in Exodus the direct address to the people from Deuteronomy is staggering, if not surprising; see, e. g., Durham, *Exodus*, 299: "The Decalogue is set forth in Exodus as the single address of Yahweh himself directly to his people"; Rom-Shiloni, "The Decalogue," 136: "According to Exodus, the Decalogue com-

experience of divine discourse for the Israelites, not actual speech.[15] They overhear no words – or, at least, no words that are recorded for the reader's benefit, and thus no words that are relevant for their own sake.[16] It is not important content that they are supposed to experience, but rather terror, as Moses states plainly: "God has come only to give you this experience and in order that the fear of him may be ever on your mind" (20:20). If YHWH had actually come in order to give the people laws, this would be a strange thing to say indeed.

In all of this, there is no real narrative space or logical rationale for the Decalogue. The Decalogue itself is so secondary from a narratival perspective that it is almost at odds with itself: why have the deity speak such solemn commands to Israel at this most heightened moment if the words themselves are not important, if no covenant is made on the basis of them, and if they play no part in the continuing story? Yet the story reads perfectly well – far better, in fact – when the Decalogue is simply removed: every instruction and prediction is fulfilled, every response expected and logical.

Our understanding of the E story is altered when we read it without the Decalogue. First: if there is no Decalogue, then what is on the tablets?[17] We are conditioned – from tradition, from art, from the movies – to believe that those tablets, the ones written with the finger of God and given to Moses, have the Decalogue on them. But this is a side effect of reading Exodus through the lens of Deuteronomy. D is very clear that the Decalogue is on the tablets. Exodus, not so much. "I will give you the tablets of stone, with the law and the commandment, which I have written to teach them," says YHWH after the covenant ceremony in E (Exod 24:12). If we did not already think that the Decalogue was on the tablets, this would not particularly sound like it: "the law and the commandment."[18]

Rather, I propose that in E's story what was on the tablets was not the Decalogue, which did not exist for E, but rather the Covenant Code, the only laws

---

prises words spoken directly by God to the people of Israel." See, more accurately, Van Seters, *The Life of Moses*, 276.

A potential complication to the argument presented here is the first line of the Covenant Code, Exod 20:22: "You yourselves have seen that I spoke with you (pl.) from heaven." Yet as Simeon Chavel has argued ("A Kingdom of Priests," 189–90), all that need be referred to here is the experience of YHWH and Moses conversing in the people's hearing; "to you (pl.)" can mean "with humans."

[15] Cf. Carpenter and Harford-Battersby, *The Hexateuch*, II:111.

[16] On the longstanding debate regarding what the Israelites actually heard or witnessed in this episode, see Sommer, *Revelation and Authority*, 27–98.

[17] Blum, "Decalogue," 296–97, follows a standard, if often implicit, line of thought when he sees the connection between the Decalogue and the tablets as unseverable, and thus concludes that they formed a single literary unit.

[18] Many scholars, of course, have argued that the phrase "with the law and the commandment" is a secondary insertion into the text. Yet the rationale for this is almost always that the description does not fit the Decalogue, which they a priori assume is the text on the tablets. See, e.g., Carpenter and Harford-Battersby, *Hexateuch*, 2:119. The argument is circular.

given in E, the only words on which a covenant was made.[19] That may be, one might object, an awful lot of text to fit on those two little tablets. But, art and movies notwithstanding, we are given no information about how big the tablets are; nor do we know how small YHWH can write. Furthermore, once it is acknowledged that the covenant in E was made on the basis not of the Decalogue but of the Covenant Code, we can also recognize that the creation of these divinely inscribed tablets, as a second set of the Covenant Code (in addition to the one written by Moses in Exod 24:4), conforms to the common ancient Near Eastern practice of there being one copy of the treaty for each party, the vassal, here the Israelites, and the suzerain, here YHWH.[20]

There is also a strong narrative reason to think that the Covenant Code was on the tablets: the immediately following episode of the golden calf. This is obviously the continuation of the E narrative: the whole premise is that Moses has been gone so long – forty days and forty nights, getting those very tablets (Exod 24:18b) – that Israel makes a golden calf in his absence (32:1–6). Most commentators have connected the destruction of the tablets with the violation of the Decalogue, since it has been thought that that is what was on the tablets. The golden calf was, therefore, understood as a moment of pure apostasy: Israel worshipping other deities, and thereby directly violating the very first law of the Decalogue: "You shall have no other gods before me … you shall not make for yourself an idol … you shall not bow down to them or worship them" (Exod 20:2–4).[21] But the E story itself is fairly clear that this is not at all what is happening.

---

[19] On some of the various alternatives to the Decalogue being the text inscribed on the tablets, see the dismissive summary in Houtman, *Exodus*, 3:300–301; though he mentions some scholars who believe both the Decalogue and the Covenant Code to have been on the tablets, he cites no one who considers that it was, as I am suggesting, the Covenant Code alone.

[20] See the brief overview of Sarna, *Exodus*, 108, where he correctly describes "the practice of recording covenants on tablets" in the Bible and its cultural context – yet he, like others who have made similar observations, fails to note that the Decalogue is not a covenant in Exodus. What he says is relevant, in Exodus at least, only for the Covenant Code.

Though it is of course usual for the suzerain to keep his copy of a treaty, that is hardly possible in this case; instead, it is given to the suzerain's earthly ambassador, Moses. This understanding of the function of the divinely inscribed tablets also explains why in E there is no direction given for the storing or displaying or public reading from them: they exist merely as the copy of record, so to speak. Moreover, their destruction a bit further on in the story of course conforms to the typical practice of breaking the tablets when the treaty recorded thereon is broken (see Weinfeld, *Deuteronomy 1–11*, 263). Even if one finds somewhat far-fetched the notion that the tablets contain the deity's copy of the covenantal treaty, they remain more easily a monumentalization of the covenant, or the covenant agreement, that has just preceded, rather than of a speech that occurred five chapters earlier.

[21] Cf., e. g., Propp, *Exodus 19–40*, 566.

Despite interpretations both ancient and modern, when they make the golden calf, the Israelites are not worshipping a foreign god.[22] What do they say? "These are your gods, O Israel, who brought you up out of the land of Egypt" (32:4). Whatever other errors they may commit, the Israelites knew which deity took them out of Egypt. No one in the Bible ever suggests that it was anyone other than YHWH, and there is no reason to think that the Israelites who have just experienced it would think otherwise either.[23] And what does Aaron say? "Tomorrow shall be a festival to YHWH" (32:5). This is a strange thing to say if the Israelites think they are worshipping another deity; it is, rather, clear that both they and Aaron understood the calf to be a symbol of YHWH.[24] And if we back up a bit from this story, and recognize that at its heart is a polemic against the northern shrines set up by Jeroboam, in Dan and Bethel – hence the odd plural, "These are your gods, O Israel" – we can further recognize what sin is actually at stake in this episode. For while Jeroboam may be routinely castigated in the Bible for a heinous violation of divine law in setting up those shrines, he is never accused of apostasy. What he did was construct sanctuaries that challenged the authority of the Jerusalem temple – his sanctuaries, sinful though they may have been, were dedicated to YHWH, not to other gods.[25]

All that to say: the law that the Israelites violated in making the golden calf is not the law against apostasy in the Decalogue. It is, rather the very first law, the first very words, of the Covenant Code: "You have seen for yourselves that I spoke with you from heaven. You shall not make gods of silver with me, nor shall you make for yourselves gods of gold" (Exod 20:22–23). This is what Israel did: it made a golden statue meant to represent YHWH, in direct contradiction to the very first thing that YHWH told them not to do, in the very laws upon which the covenant was literally just concluded a mere forty days earlier.[26] When Moses smashes the tablets, what he smashes is the record of that covenant, the one that Israel has just violated.[27] And that is the Covenant Code, not the Decalogue.

If the Decalogue was not part of the E story, then where did it come from? It originated not in E, but rather in D.[28] As we have seen, the Decalogue makes perfect sense in the D story, where – because there is no such thing as the

[22] This reading, and particularly the association of the golden calf with the Egyptian Apis bull, is ancient, going back as far as Philo, *Mos.* 2:162.

[23] As recognized by Rashbam and Ramban.

[24] See, e.g., McNeile, *The Book of Exodus*, 205.

[25] See, e.g., Gray, *I & II Kings*, 290. On the calf as a symbol of YHWH in both Exodus and Kings, see Driver, *Exodus*, 347–49; Haran, *Temples*, 29 n. 28.

[26] See Haran, *Temples*, 29 n. 28; Chavel, "Kingdom of Priests," 190 n. 57.

[27] This is easily recognizable in the case of the Decalogue and tablet-smashing in Deuteronomy; see, e.g., Weinfeld, *Deuteronomy 1–11*, 263.

[28] See, e.g., Pfeiffer, *Introduction to the Old Testament*, 228–32; Perlitt, *Bundestheologie*, 78–99; Soggin, *Introduction to the Old Testament*, 146–48; Blenkinsopp, *Pentateuch*, 207; Hossfeld, *Der Dekalog*; Dohmen, *Exodus 19–40*, 101; Chavel, "Kingdom of Priests," 190 n. 57.

Covenant Code – the Decalogue constitutes the basis for the covenant at Horeb. And, from this perspective, we can now see in a clearer light just what D has done with E's story, and how clever it is.

For D, as noted above, its own laws, the laws of Deut 12–26, are the replacement for E's Covenant Code. So in its retelling of E's story, it excises the Covenant Code, and the covenant ceremony, entirely. But following E's story without the Covenant Code leaves a fairly substantial gap, and something of an odd one at that. Without the Covenant Code, what is the point of the theophany at Horeb? YHWH speaks with Moses, the people approve Moses as their intermediary … and then Moses receives some laws that he will not transmit to the people for forty years? The people lived in the wilderness knowing that there were some laws for the future that they would get eventually, but none for their present situation? And Moses got and smashed tablets … of what? Why?

"YHWH our god made a covenant with us at Horeb" (Deut 5:2). Without the Covenant Code, this could hardly be on the basis of just the thunder and lightning – covenants require content. "Face to face YHWH spoke to you on the mountain out of the fire" (5:4) – this is not true in E of either the Decalogue or the Covenant Code, but is key to D's retelling. In D, unlike in E, Israel has to actually hear the words that God is speaking: "If we continue to hear the voice of YHWH our god any longer we will die" (5:25). D retains E's concept of a covenant at Horeb, but removed from E both the content of that covenant and the narrative of its formal establishment. But there was a place in E's narrative where content could be inserted: the theophany itself. E had the sound and light show of YHWH speaking in the sight and hearing of Israel; D gave words to that speech, and made them the basis of the Horeb covenant. D invented the Decalogue to fill the narrative gap that it created itself in its revising of E.

D also takes up E's tablets, of course – but now, naturally enough, what the tablets contain is not the Covenant Code, which D has erased from the story, but the Decalogue, D's new creation. "He declared to you the covenant that he commanded you to observe, the Decalogue, and he inscribed them on two tablets of stone" (Deut 4:13). The direct aligning of the Horeb covenant with the Decalogue, and thus with the tablets, is the center of D's innovation here. "YHWH gave me the two stone tablets, written with the finger of God; upon them were all the words that YHWH spoke to you" (9:10). Throughout D, the tablets explicitly contain the words that YHWH spoke to Israel – which is decidedly not what it says in E.

As for the golden calf, D has that too, of course. But here one might object: If, as I suggested, the golden calf in E was the violation of the Covenant Code, because Israel was authentically trying to worship YHWH but were just doing so badly, then what is happening in D, where there is no Covenant Code? Logically enough: in D, the golden calf is a violation of the Decalogue – that is, in Deuteronomy we find precisely the apostasy that interpreters have always read

back into the Exodus version. And the same language used above to demonstrate that in E the calf was about improper worship of YHWH can be used here to demonstrate that in D it is not about that – because those verses, in which the Israelites and Aaron make clear that they are attempting, however poorly, to worship YHWH, are absent entirely from D's version of the story. They have been cut. Because in D, the only law that Israel could possibly be violating here is from the Decalogue – the Israelites have heard no other laws yet – and the law in the Decalogue is about apostasy, not about improper worship of YHWH.

A final data point may be found in the language and style of the Decalogue (final because, as I have frequently argued, language and style should be used as supporting, not as primary, evidence). The Decalogue, even in Exodus, is written in D's recognizable language and style. בית עבדים (Exod 20:2) appears elsewhere in the Bible only in D and in texts dependent on it.[29] אלהים אחרים (20:3) occurs 63 times in the Bible, of which only three are not from D or related texts.[30] The words פסל and תמונה (20:4) appear together only in D.[31] The phrase בשעריך (20:10) to mean "in your towns" is exclusive to D.[32] And while it certainly is not unique to D, no other text uses "YHWH your god" as frequently – it appears in D approximately three hundred times – and E uses it perhaps twice ever.[33] If the Decalogue did not originate in D, someone has gone to a lot of trouble to make it look like it did.[34]

I have argued that E's narrative did not originally include the Decalogue, but did include the Covenant Code; and that D, drawing heavily on E's storyline, removed the Covenant Code, delayed the giving of its own law until the end of the wilderness period, and inserted the Decalogue back at Horeb. So the final piece of the puzzle is how the Decalogue ended up in Exodus. I suggest a relatively straightforward answer: someone – we have no way of knowing who – upon reading through the compiled pentateuchal text, got to the retelling in Deuteronomy of the events at Horeb and said, "Hold on a second – I don't remember this from back in Exodus" (not that they would have called it Exodus).[35] And to remedy the situation, they put the Decalogue right where it be-

[29] Deut 5:6; 6:12; 7:8; 8:14; 13:6, 11; Jos 24:17: Judg 6:8; Jer 34:13; Mic 6:4; and the late stratum of Exod 13:3, 14.

[30] Those three are Exod 23:13; Hos 3:1; and 2 Chr 28:25.

[31] Deut 4:16, 23, 25; 5:8. Even תמונה by itself is predominantly D: Deut 4:12, 15–16, 23, 25; 5:8; elsewhere only Num 12:8; Ps 17:15; Job 4:16.

[32] Deut 6:9; 11:20; 12:12, 17–18, 21; 14:21, 27–29; 15:22; 16:11, 14; 17:8; 24:14; 26:12; 28:57; 31:12.

[33] The two potential E exemplars are both from the Covenant Code: Exod 23:19, 25.

[34] This is often chalked up to a "boomerang effect," whereby the two versions of the Decalogue were regularly updated and adjusted in light of each other (what Blum, "Decalogue," 298, refers to as "a continued selective reworking and mutual adaptation of the protocanonical Decalogue versions"). Yet while such scribal practices are certainly plausible, they are in fact not necessary here unless one begins from the position that the Exodus version is primary.

[35] Here I differ from Chavel, "Kingdom of Priests," 172 n. 6, who understands the addition of the Decalogue to have occurred within the E document prior to its adaptation by D.

longs: where the people are gathered at the foot of the mountain, hearing YHWH and Moses talking.[36] That is, the insertion of D's Decalogue into the Exodus story is nothing more than an attempt to make the two versions look more alike. This is, of course, not the only place such revision happened; all across the Pentateuch we can find evidence of later hands trying to make the compiled story work better in the face of contradictions and differences between the sources.[37]

Even if we are not able to say who put the Decalogue into Exodus, we may be able to say that they were trying to fix the compiled Pentateuch. In part this is because the need to make the various parts of the story agree is a need that emerges only from the existence of a continuous story, that is, one already put together from the source documents.[38] And it is in part because we can see in the Exodus version of the Decalogue, in the one spot where it varies significantly from D, knowledge of the literary world outside of E and D. In the Sabbath commandment, D's rationale, such as it is, refers back to the Exodus and the slavery in Egypt: Remember that you were a slave in the land of Egypt, and YHWH your god took you out from there with a strong hand and an outstretched arm; therefore YHWH your god commands you to observe the sabbath day" (Deut 5:15). This is a justification not for the entire Sabbath law, really, but for the last part of it: "so that your male and female slave may rest as you do" (5:14). This is typical of D, which reminds Israel of its time in Egypt when it has just given a law about the positive treatment of vulnerable members of society.[39] But in Exodus, the rationale is different: "For in six days YHWH made heaven and earth, the sea, and all that is in them, and he rested on the seventh day; therefore YHWH blessed the sabbath day and sanctified it" (Exod 20:11). This rationale appeals not to the Exodus, but to creation – and, specifically, to the creation story from the P document, in Gen 1:1–2:4a. This is a text that is unknown to E and D; but, seemingly, it is known to the revisor of the Decalogue here.[40] Moreover,

[36] Cf. Propp, *Exodus 19–40*, 146.

[37] This is, in fact, a common occurrence with regard to differences between the narratives of Exodus–Numbers and D's retelling of them. The D description of the defeat of Og (Deut 3:1–3) has been inserted at Num 21:33–35; the D description of Moses's pleading with YHWH after the golden calf (Deut 9:26–29) has been, with some changes, inserted at Exod 32:9–14. This is an ongoing process in the textual history, as the Samaritan Pentateuch famously attests: there D's version of the appointing of judges (Deut 1:9–18) has been inserted between Exod 18:24 and 26.

[38] It is not that mere knowledge of distinct source documents may drive the need to make them agree. We may take as a fruitful comparison the H layer of the priestly writing, which knows both P, the document that it is directly working with, and also D, to which it regularly responds. Responds – but does not create any plot correlations with. That is, H demonstrates that a text may know other sources without needing to make them agree; and this is because the text of H remained separate from that of D. It is the compilation of sources together into a single document that compels coordination.

[39] Cf. Deut 15:15; 16:12; 24:18, 22.

[40] The presence of this singular priestly reference has led a significant number of scholars to associate the Exodus Decalogue with P, or with a priestly redactor, which is going unnecessarily far. See, e. g., Beer, *Exodus*, 99; Van Seters, *Life of Moses*, 280.

Exod 20:11 follows nearly verbatim the language of the P sabbath legislation in Exod 31:17, also with reference to the priestly creation story.[41] Again, this suggests that whenever the Decalogue was inserted into Exodus, it happened after the Pentateuch had already been assembled from its constituent source documents.[42]

In summary, the Decalogue is by no means an ancient core of Israel's communal identity. It is, rather, the clever invention of D, part of D's overarching adoption and adaptation of E, deeply intertwined with D's project of removing the Covenant Code from the story and replacing it with its own laws.[43] Its later insertion into the story in Exodus may have been in part a recognition of some sense of the text's power; but it may also have been nothing more than an editorial correction, like other such insertions, leveling the narrative in Exodus–Numbers with the recollection of those events in Deuteronomy. The question of how D devised the Decalogue remains, and will likely forever remain, an open one. Hosea 4:2 may be evidence of a traditional list of social offenses on which D also drew; but we should not confuse this with a common concept of a Decalogue. The Decalogue, as a definable thing, is not just its content, but also its narrative setting: the words spoken by YHWH during the theophany at the mountain in the wilderness. And this thing, this Decalogue, was the creation of D.

Bibliography

Albertz, Rainer. *Exodus 19–40*. ZBK. Zürich: TVZ, 2015.

Baden, Joel S. *J, E, and the Redaction of the Pentateuch*. FAT 68. Tübingen: Mohr Siebeck, 2009.

–. "The Deuteronomic Evidence for the Documentary Theory." Pages 327–44 in *The Pentateuch: International Perspectives on Current Research*. Edited by Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz. FAT 78. Tübingen: Mohr Siebeck, 2011.

–. "Deuteronomy Reads the Pentateuch." *Biblical Interpretation* 28 (2020): 1–14.

–. "The Transformation of the Decalogue into Law and Covenant." *Maarav* 24 (2020): 63–73.

Beer, Georg. *Exodus*. HAT 3. Tübingen: J. C. B. Mohr (Paul Siebeck), 1939.

Blenkinsopp, Joseph. *The Pentateuch*. New York: Doubleday, 1992.

[41] On the relationship between Exod 20:11 and 31:17, and the recognition that the former is dependent on the latter – in fact is identifiable as an interpretation of the latter – see Stackert, "How the Priestly Sabbaths Work," 85–88.

[42] One should also hold out the possibility that Exod 20:11, as the only line in the Exodus Decalogue with any priestly aspect, is an isolated addition to the text of Exodus, rather than being from the same hand that inserted the Decalogue here. Were this the case, it would have minimal effect on the argument here.

[43] In this my opinion is, unsurprisingly, somewhat more conservative than that of more recent European scholarship, which leans toward seeing the Decalogue as an independent creation later even than D. See, e. g., Köckert, *Die Zehn Gebote*.

Blum, Erhard. "The Decalogue and the Composition History of the Pentateuch." Pages 289–301 in *The Pentateuch: International Perspectives on Current Research*. Edited by Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz. FAT 78. Tübingen: Mohr Siebeck, 2011.
Brightman, Edgar Sheffield. *The Sources of the Hexateuch*. New York: Abingdon, 1918.
Carpenter, J. Estlin and G. Harford-Battersby. *The Hexateuch According to the Revised Version*. New York: Longmans, Green & Co., 1900.
Chavel, Simeon. "A Kingdom of Priests and its Earthen Altars in Exodus 19–24." *VT* 65 (2015): 169–222.
Childs, Brevard S. *Exodus*. OTL. Louisville: Westminster, 1974.
Clements, Ronald E. *Exodus*. CBC. Cambridge: Cambridge University Press, 1972.
Dohmen, Christoph, *Exodus 19–40*. HThKAT. Freiburg: Herder, 2004.
Driver, S. R. *Exodus*. Cambridge Bible. Cambridge: Cambridge University Press, 1918.
–. *Introduction to the Literature of the Old Testament*. New York: Meridian, 1957.
Durham, John. *Exodus*. WBC 2. Waco: Word, 1987.
Gottwald, Norman K. *The Hebrew Bible: A Socio-Literary Introduction*. Philadelphia: Fortress, 1985.
Graupner, Axel. *Der Elohist: Gegenwart und Wirksamkeit des transzendenten Gottes in der Geschichte*. WMANT 97. Neukirchen: Neukirchener Verlag, 2002
Gray, John. *I & II Kings*. OTL. Philadelphia: Westminster, 1963.
Greenberg, Moshe. "נסה in Exodus 20:20 and the Purpose of the Sinaitic Theophany." *JBL* 79 (1960): 273–76.
Haran, Menahem. *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School*. Winona Lake: Eisenbrauns, 1985.
Hossfeld, F.-L. *Der Dekalog: Seine späten Fassungen, die originale Komposition und seine Vorstufen*. OBO 45. Fribourg: Universitätsverlag, 1982.
Houtman, Cornelius. *Exodus*. HCOT. Leuven: Peeters, 2000.
Köckert, Matthias. *Die Zehn Gebote*. Munich: Beck, 2007.
Kratz, Reinhard. *The Composition of the Narrative Books of the Old Testament*. London: T&T Clark, 2005.
Kuenen, Abraham. *An Historico-Critical Inquiry into the Origin and Composition of the Hexateuch*. London: MacMillan and Co., 1886.
Levin, Christoph. *The Old Testament: A Brief Introduction*. Princeton: Princeton University Press, 2005.
McNeile, A. H. *The Book of Exodus*. 2nd ed. London: Methuen, 1917.
Mendenhall, George. *Law and Covenant in the Ancient Near East*. Pittsburgh: Biblical Colloquium, 1955.
Meyers, Carol. *Exodus*. NCBC. Cambridge: Cambridge University Press, 2005.
Mowinckel, Sigmund. *Le décalogue*. Paris: Félix Alcan, 1927.
Noth, Martin. *Exodus*. OTL. Philadelphia: Westminster, 1962.
Perlitt, Lothar. *Bundestheologie im Alten Testament*. WMANT 36. Neukirchen-Vluyn; Neukirchener Verlag, 1969.
Pfeiffer, Robert H. *Introduction to the Old Testament*. London: Adam and Charles Black, 1948.
Propp, William H. C. *Exodus 19–40*. AB 2A. New York: Doubleday, 2006.
Rom-Shiloni, Dalit. "The Decalogue." Pages 135–55 in *The Oxford Handbook of Biblical Law*. Edited by Pamela Barmash. Oxford: Oxford University Press, 2019.

Sarna, Nahum. *Exodus*. JPS Torah Commentary. Philadelphia: Jewish Publication Society, 1991.

Soggin, J. Alberto. *Introduction to the Old Testament*. Louisville: Westminster John Knox, 1989.

Sommer, Benjamin D. *Revelation and Authority: Sinai in Jewish Scripture and Tradition*. AYRBL. New Haven: Yale University Press, 2015.

Stackert, Jeffrey. "How the Priestly Sabbaths Work: Innovation in Pentateuchal Priestly Ritual." Pages 79–111 in *Ritual Innovation in the Hebrew Bible and Ancient Judaism*. Edited by Nathan MacDonald. BZAW 468. Berlin: Walter de Gruyter, 2016.

–. *Deuteronomy and the Pentateuch*. AYRBL. New Haven: Yale University Press, 2022.

Van Seters, John. *The Life of Moses*. Louisville: Westminster John Knox, 1994.

Weinfeld, Moshe. *Deuteronomy 1–11*. AB 5. New York: Doubleday, 1991.

The Concept of Desecration in Leviticus

Tamar Kamionkowski

This essay proceeds from a basic assumption: from an academic perspective, there is no single God of the Hebrew Bible. The Hebrew Bible records several beliefs-systems about God that have been organized and preserved in biblical texts. For example, most scholars acknowledge that the ancient priestly writers and the Deuteronomic writers understood the nature of God quite differently. Yet it is apparent that many biblicists continue to superimpose personal religious beliefs upon academic studies. In this essay I will provide a new interpretation of the phrase לחלל את השם (to desecrate the Name), a key priestly term that has received little attention in biblical studies. I will argue that its meaning in the Holiness Code[1] is unique and that Ezekiel re-contextualizes the idiom. In addition to making my argument, I will suggest that many scholars have avoided this interpretation because it does not align with their own theological convictions.

I. Introduction

In biblical priestly nomenclature, the domains of holy and profane, and pure and impure are the primary categories that priestly sources use to mediate the relationship between God and the people of Israel. Individuals in the community pay attention to these ritual states insofar as the people are in relationship with God. Many excellent biblical studies on the concept of holiness and on the categories of purity and impurity in priestly and post-biblical Second Temple texts exist.[2] There are far fewer studies devoted to the category of "profanation" which makes sense because it does not appear in Lev 1–16 or in other Pentateuchal P materials. When commentators encounter the phrase, they often skip over it or make assumptions concerning its meaning without a careful study of

[1] Hereafter designated as H. When I refer to Holiness writings that extend beyond Leviticus 17–26, I will use the term Holiness Legislation, as suggested by Baruch Schwartz, *The Holiness Legislation*.

[2] David P. Wright, to whom this study is dedicated, offers a concise and clear explanation of the differences between H and P as regards these four categories in "Holiness in Leviticus and Beyond."

its occurrence and context.[3] Additionally, when scholars do interpret the phrase, they are coming from such a variety of vantage points that it is difficult to sustain a conversation.

In this study, I will explore לחלל את השם as it is used specifically in the Holiness Code, and I will argue that the phrase is a significant priestly theological concept developed by the H school in response to P theology. Ezekiel's employment of this terminology is secondary and reflects a significant shift from its original purpose in H. I will show that in H, God is not concerned with God's reputation among the nations, as is often argued. In fact, the literary setting for the Holiness Code is in the wilderness of Sinai prior to entrance into the land of Israel and without reference only to other nations that pre-dated Israelite settlement in the land of Israel.[4] Within this setting, H is a work of interiority, a work focused on the community itself. H refers to non-Israelites, but only those who live within the community.

Furthermore, I will suggest that we must interpret לחלל את השם within H's unique understanding of the four categories of purity, impurity, holiness, and desecration.[5] Lev 10:10 contains the only P use of the root חלל, and here it appears in nominal form, חל. This noun only appears again in Ezekiel, a work that combines P and H concepts.[6] One might even argue that P is only concerned with three categories: holiness, and then purity and impurity only insofar as they may come into contact with holiness. Since P understands holiness to be ascribed only to certain places, objects, people and times, and since P interprets holiness as an unchanging static concept, whatever is not holy is simply not of concern to P.[7] We will return to this idea below.

II. חילול השם

The concept of חילול השם[8] is a central rabbinic concept whose origins are derived primarily from Ezekiel's employment of related formulations. In rabbinic sources "desecration of the Divine Name" refers to any activity or speech that might

[3] See, for example, Wenham, *The Book of Leviticus*; Hartley, *Leviticus*.

[4] See Joosten, *People and Land in the Holiness Code*.

[5] In this essay I use "desecration" rather than "profanation" because the latter term has too broad a semantic range.

[6] For excellent studies of Ezekiel's reuse of Levitical material, see Ganzel, "Defilement of God's Name in Ezekiel" [Heb.], and Ganzel, "The Defilement and Desecration of the Temple in Ezekiel."

[7] Kamionkowski, *Leviticus*, 236–37.

[8] In the Bible, the phrase appears only in verbal form; it becomes a nominal idiom in post-biblical literature.

bring non-Jews to feel contempt for Jews or God.[9] According to some sources, the sin of חילול השם is so severe that no amount of atonement can forgive the punishment. In the context of repentance and forgiveness, b. Yoma 86a says: "But the one who has the desecration of the divine name in his hand, he has no power through repentance to suspend [divine punishment] nor does Yom Kippur atone, nor does suffering. Only death absolves him." A classic example about the nature of this sin comes from t. Bava Kamma 10:

> One who steals from a gentile is obligated to return the stolen goods to the gentile. Theft from a gentile is more serious than theft from a Jew, because of the desecration of God's name. One who steals from a gentile or swears to him and then dies – he cannot be forgiven because of the desecration of God's name.

The opposite of חילול השם is קידוש השם, "sanctification of the Divine name," often associated with Second Temple period martyrdom. There are many stories from this period that praise Jews who were willing to die rather than commit idolatry. Again, the context of these stories is usually in public settings where Jews are interacting with non-Jews.

III. לחלל את השם

Although the rabbinic concept develops and changes over time, there is a clear line of interpretation from Ezekiel to post-biblical interpreters. In Ezek 36, the prophet declares that God will gather the scattered exiles back to the land of Israel; however, God will not act for the sake of the people, but rather for God's own sake. God realizes that the exile ironically backfires on God because the divinely sanctioned destruction of Jerusalem and exile leads to the possibility that other nations may mock a God who has no temple and no people in his own land. As the text says:

> I scattered them among the nations, and they were dispersed through the countries; in accordance with their conduct and their actions I judged them. But when they came to the nations, wherever they came, they desecrated my holy name, in that it was said of them, "These are the people of YHWH, and yet they had to go out of his land." But I had concern for my holy name, which the house of Israel had desecrated among the nations to which they came (Ezek 36:19–21).

It is clear in this context that the divine concern is focused on God's reputation among other peoples. The clarity of Ezek 36 regarding reputation tends to angle post-biblical interpreters toward the role of outsiders' perceptions of God.[10]

---

[9] In her dissertation, קידוש השם וחילול השם, Adina Sternberg provides a meticulous study of the development of meaning of these phrases in early rabbinic literature.

[10] Ganzel ("The Defilement and Desecration of the Temple in Ezekiel," 6) has convincingly argued that when the verb חלל is used in Ezekiel with reference to the Temple, it indicates the

Sheldon H. Blank, Jacob Milgrom, Nilton Dutra Amorim, and Tova Ganzel have published dedicated studies to לחלל את השם in priestly literature. For the most part, each scholar hooks into the idiom as Ezekiel employs it and brings in pentateuchal texts as supports for their arguments. Blank begins his article by making a distinction between Leviticus and Ezekiel, noting that Leviticus and Ezekiel use the phrase לחלל את השם in two different ways. Blank argues that in Leviticus, the phrase indicates that "God is defamed by the shameful *conduct* of his people," while in Ezekiel, "God is disgraced because of the disgraceful *condition* of his people."[11] By this he means that the Leviticus passages are about apostasy and ritual defilement, while in Ezekiel, Israel's tragic fate in exile is seen as a disgrace to God's reputation among the other nations. Blank, like a number of other scholars, considers Ezek 36 to be the decisive interpretative text. With regard to the concept of שם, Blank believes that the term שם is a

> circumlocution, a cushion between the holy God and the offensive verb 'to profane;' but it is not that alone. The word also adds a meaning: it adds the idea of reputation, fame, prestige, recognition. To profane the name of God is to do damage to God's reputation, to defame him …[12]

Blank's position can certainly be supported by general studies on the word שם.[13] Names of deities and people were imbued with power. The name had a power in and of itself, especially if it was associated with great fame, and in this sense שם may be connected to "reputation" (cf. Deut 26:19 and Jer 13:11, where שם and תהלה appear together). Proverbs 22:1 states unambiguously that a name held in honor is more precious than great wealth. God is credited with making a name for Godself in delivering Israel from Egypt (cf. Isa 63:12, 14; Jer 32:20; Dan 9:15; Neh 9:10).[14] Therefore, if a name could mean that which characterizes its bearer, then misuse of the name could defame the individual or deity. This logic leads to the conclusion that שם in reference to YHWH can refer to God's glory or fame. Therefore, לחלל את השם refers to blaspheming God and causing injury to God's honor. Additionally, we can cite other texts in which God is unambiguously concerned with what others think of Him. Moses, for example, implores God not to destroy Israel on the basis of God's reputation during the Golden Calf episode (Exod 32:12; cf. Deut 9:28), and similarly during the negative report of the spies (Num 14:15–16).

---

presence of foreigners in the sancta. Ganzel argues for a consistent use of חלל in the context of the public eye within Ezekiel.

[11] Blank, "Isaiah 52.5 and the Profanation," 6. For a recent reaffirmation of this reading, see Milgrom, "The Desecration of Yhwh's Name: Its Parameters and Significance," 317–25.

[12] Blank, "Isaiah 52.5 and the Profanation," 6.

[13] See for example the studies by van der Woude, "שם, name,"1348–67; Kaiser, "(*shem*), name," 934–35; Rapaport, "The Hebrew Word Shem," 144–56; Reiterer, "שם," 122–74; and Amorim, *Desecration and Defilement*, 196–200.

[14] See van der Woude, "שם, name," for an important distinction between dynamic and dianoetic meanings; that is power in the meaning of the name vs. power according to its force.

Milgrom argues that "P's precise distinction between טמא 'pollute' and חלל 'desecrate' begins to dissolve in H and even more so in Ezekiel."[15] He points to examples wherein H uses the term טמא in non-cultic, non-ritualistic contexts (Lev 18:25, impurity of the land; Lev 20:3, impurity from Molech worship; Lev 18:20, impurity from adultery). In each of these contexts, impurity cannot refer to cultic impurity by which proper rituals and sacrifices atone; rather, H uses טמא here metaphorically and loosely. For example, a priest who is ritually contaminated by corpse contact should, according to P thinking, become טמא; but H utilizes the term חלל to describe the priest (Lev 21:2–4). This makes no sense to Milgrom so he concludes that H is simply not precise in its use of terminology. However, the claim that H uses these terms indiscriminately is counter to Milgrom's intuition about almost every other idiom in priestly material. Israel Knohl and Schwartz have both shown, in different ways, how carefully the H writers use their words to polemicize or supplement the work of P.[16] There we must assume that the frequent usage of חלל in H is of some significance.

Ganzel, contra Milgrom, has convincingly demonstrated that the terms טמא and חלל are used with precision in priestly pentateuchal materials and in Ezekiel. Her focus is on the Book of Ezekiel, so understandably, she addresses passages from Leviticus only insofar as they relate to her work in Ezekiel. Ganzel recognizes that Ezekiel follows the pentateuchal priestly sources in using the term טמא in very specific contexts. When it comes to "desecration," Leviticus and Ezekiel use the terminology differently. Ganzel argues that in Leviticus, desecration is due to "the disruption of the priestly functions."[17] However, "Ezekiel recognizes a broader definition than that which is used in the Priestly Sources. Desecration constitutes the absence of sanctity rather than a particular status that is assigned under specifically prescribed conditions. As such, the phenomenon of desecration is far more flexible than defilement.[18]

Amorim devotes a 426-page dissertation to a study of the terms for "defile" and "desecrate." His approach is synchronic, and he assumes a consistent theological outlook throughout the biblical texts. This leads him to a general conclusion:

> In conclusion, one may say that the name of Yahweh or Yahweh Himself is the most frequent object of profanation. What causes the profanation is usually the wrongdoings of

[15] Milgrom, *Leviticus 17–22*, 1801.

[16] Knohl, *Sanctuary of Silence*; Schwartz, *The Holiness Legislation*; as argued similarly in his article, "'Profane' Slaughter and the Integrity of the Priestly Code." Jonathan Klawans has argued that the impurity system applied to non-ritual impurity in priestly material is no less literal and technical than the system applied to ritual impurity. He distinguished between ritual and moral impurity, asserting that both are literal and belong to distinct and comprehensive symbolic systems (*Impurity and Sin in Ancient Judaism*, esp. 3–42).

[17] Ganzel, "The Defilement and Desecration of the Temple in Ezekiel," 9.

[18] Ganzel, "The Defilement and Desecration of the Temple in Ezekiel," 9.

Israel, cultic or moral. Very frequently the profanation comes because their practices misrepresent Yahweh as their God and lead the pagans to scorn His power as God.[19]

In a footnote, Amorim notes and agrees with the assertion of medievalist Ermenegildo Bertola, who asserts, "Can the name of God be desecrated? And can the Sabbath? Both have a sacred status by their own nature, and no human action is capable of causing them to lose this characteristic."[20] Or as Amorim puts it, "Because of the high degree of holiness of the Name and the Sabbath, when they are desecrated they do not lose their holy character."[21] Thus, Amorim is not concerned with the particular meaning of לחלל את השם within a priestly context and he, like Bertola, read the texts with modern Christian (Protestant and Catholic) theological lenses.

IV. לחלל את השם in the Holiness Code

The following interpretation 1) centralizes the phrase in its H setting; 2) considers חלל in relationship to H's categories of holy, pure and impure; 3) differentiates between H's God, other biblical concepts of God, and post-biblical theology. The centerpiece of my analysis of לחלל את השם is its appearance in the Holiness Code and my lens is H's theological worldview. The research of Knohl, Joosten, Milgrom, Schwartz, and David P. Wright has shown that while P holiness is static, H holiness is dynamic and pliable. Wright argues, "The Priestly Torah is more interested in priestly or cultic matters and only peripherally in how holiness relates to the cult. The Holiness School, in contrast, has holiness as its central focus and relates it to God, humans, various places, objects, and time."[22] According to Milgrom,

> The dynamic catalyst that turns H's view of the Lord's covenant from a static picture into one of flux is its concept of holiness. For H, the ideal of holiness is not only embodied in a limited group (priests), animals (sacrifices) and space (sanctuary) but affects all who live on God's land: persons and animals, Israel and the גר.[23]

For Milgrom, the idea of dynamic holiness means that Israel can enhance its collective holiness in proportion to its observance of God's commandments. Schwartz has argued that in H the holiness of YHWH is a quality describing the essence of the divine being, while holiness of people and objects is acquired through designation or contact with the divine.[24] According to Schwartz, as soon

[19] Amorim, *Desecration and Defilement*, 206.
[20] Bertola, "Le Sacré dans les plus anciens livres de la Bible," 216. Translation from the French is my own.
[21] Amorim, *Desecration and Defilement*, 208.
[22] Wright, "Holiness in Leviticus and Beyond," 352.
[23] Milgrom, "The Changing Concept of Holiness," 71.
[24] Schwartz, *Holiness Legislation*, 258.

as God "took up residence in His earthly abode according to H, the holiness which He exuded began to radiate upon Israel as a whole making them His. God's holiness is therefore an "effusion of His essence rather than a mere designation or election."[25] Just as God radiates holiness on the people of Israel, they are enjoined to seek it out, to reach for the holy.

Note that in each of the studies surveyed here, the focus is exclusively on the idea of holiness, but not its apparent opposite, profanation or desecration. For example, Baruch Levine parses out verbal forms of חלל, but nowhere in the entirety of his commentary does he address what they mean.[26] The verbal root חלל appears sixteen times in the short ten-chapter work of the Holiness Code, indicating that it is a key H term. Jo Ann Hackett and John Huehnergard have recently undertaken a systematic study of this Semitic root and conclude that "the meaning was originally something like 'to be free, clear, clean ….'"[27] As they focus on the root's meaning in the Hebrew Bible, they assert regarding the pairing that:

> Holiness is a bounded state, the marked case; it is the one that defines the pair holiness and profanation. The opposite of holiness is *not* a specific set of qualities that defines the semantic fields of the two opposite verbs; rather, it is simply anything that is not bounded in the way that holiness is.[28]

This interpretation is methodologically sound and deepens our understanding of holiness in P and in other biblical texts. For example, in Deuteronomic thought, the community of Israel is "a holy people" by virtue of their covenantal relationship with God; the relationship may be threatened, but the holiness of the people does not change its nature. This paradigm, however, does not necessarily apply to H, wherein holiness is not fully bounded. Holiness in H increases and decreases.

As Bryan D. Bibb correctly suggests, in P חלל does not get much attention because holiness is ascribed only to priests and the *sancta*. Anyone who is not part of this system is simply not holy, thus חל. In contrast, because H extends holiness to the land and the people, the meaning of desecration becomes more complicated:

> The verbal form חלל, "to profane" something, eliminates the static, mundane character of the common. Suddenly the idea of profanity has a dynamism and a power of infection that up until now has only been imputed to impurity …. Every effort must be made to prevent the shift from holy to profane ….[29]

---

[25] Schwartz, "Israel's Holiness: The Torah Traditions," 55.

[26] Levine, *Leviticus*. Levine is simply one example. Most Leviticus commentators do the same in failing to treat the meaning of this word.

[27] Hackett and Huehnergard, "Purity and Profanation," 274. "Originally" indicates proto-Semitic in this context.

[28] Hackett and Huehnergard, "Purity and Profanation," 277.

[29] Bibb, *Ritual Words and Narrative Words,* 145–146.

Bibb's observation is an important one, and my own perspective is similar. H uses the root חלל in the *piel*, *hiphil* and *niphal*, although the *piel* is the most common. A third of the direct objects of this verb are God's name. Before turning to those citations, we should note that H uses the term חלל in relation to a priest, his daughter, his general offspring, and his potential wives. Each of these persons can be the object of desecration. A priest who comes in contact with a corpse defiles himself and thereby desecrates himself, לא יטמא בעל בעמיו להחלו (Lev 21:4).[30] H does accord with P by designating the priest ritually impure, טמא, but *H supplements P's system with another status change*: the priest is not just rendered ritually impure; he is also desecrated. A priest can also be desecrated by the sexually illicit behavior of his daughter (Lev 21:9). Milgrom asserts that the priest is not literally stripped of his status, but he is shamed by his daughter's actions. He writes, "It is *as though* he were disqualified."[31] However, Milgrom adduces no evidence to argue his point. The evidence from within H shows that the priest has in fact been diminished in holiness status.[32] Milgrom himself writes elsewhere that, in H, the priests are enjoined to observe the commandments in order to retain their holy status; this assumes that their holy status may be diminished as well.[33]

A woman of priestly family can also be desecrated, although it is not altogether clear under what circumstances this de-sanctification occurs.[34] In Lev 19:29 and Lev 21:9, the daughter of a priest has engaged in some sort of illicit sexual activity. In the latter case, she is held responsible for her shift in status, and in the former the father bears the responsibility. That she bears some degree of holiness as a member of the priestly family is worthy of note. The same inferences can be drawn concerning the status of wives and other forbidden women in Lev 21:7 and 21:14.

Lev 21:12 commands the priest not to leave the sanctuary, presumably in order to mourn a family member while he is on duty:

ומן המקדש לא יצא ולא יחלל את מקדש אלהיו כי נזר שמן משחת אלהיו עליו אני יהוה

From the sanctuary, he shall not exit and (thereby) desecrate the sanctuary of his God, for the consecration of the anointing oil of his God is upon him. I am YHWH.

The result of this transgression is profanation of the sanctuary. Milgrom again describes the use of חלל here as imprecise, because corpse contamination results in impurity (טמא) not desecration.[35] Joosten argues that חלל here is just a first step in profanation, which may later lead to impurity. For him, the more dangerous status is טמא, because it is this state that drives the divine out

[30] The verbal form is a reflexive *niphal*.
[31] Milgrom, *Leviticus 17–22*, 1810. Levine, *Leviticus*, 144 implies the same reading of the text.
[32] Cf. 4Q213a 3–4 3: "She will profane her name and her father's name."
[33] Milgrom, "The Changing Concept of Holiness," esp. 70.
[34] For discussion, see Milgrom *Leviticus 17–22*, 1696–97.
[35] Milgrom, *Leviticus 17–22*, 1818.

of the sanctuary.[36] H describes the desecration of the sanctuary in one other verse, Lev 21:23. A priest may not approach the veil or the altar with a blemish; doing so results in desecration of the sanctuary, but not in impurity. Besides the sanctuary, objects that have been consecrated to God can also be desecrated. Thus, Lev 19:8 teaches that improper consumption of a well-being offering desecrates the offering. And Lev 22:9 also suggests that the sacred meal can be desecrated.[37] Ganzel argues that the cases of חלל in Leviticus refer to the disruption of the priest's service in the Temple.[38]

So far, we have seen that people (especially those of the priestly family), the sanctuary, and sanctified objects can all become desecrated. If H's holiness is dynamic, and people and things can move toward greater degrees of holiness, then it stands to reason that each of these people and things can also experience a reduction in holiness. A sacrificial food can lose its sacred quality and become a source of sin. The sanctuary can experience the withdrawal of the holy presence, and a priest can lose his status for himself and/or his descendants. In each of these cases, the H writers choose the language of חלל in addition to P's טמא terminology. In other words, H overlays standard P material with the concept of חלל. In H, חלל signifies a real reduction in holiness status.[39]

חלל with the divine Name as its object may now be understood in the context of Holiness thought. Lev 21:6 enjoins the priests to be holy for their God and to refrain from desecrating the name of their God, for it is they who minister in God's sanctum.

קדשים יהיו לאלהיהם ולא יחללו שם אלהיהם כי את אשי יהוה לחם אלהיהם הם מקריבם והיו קדש

They shall be holy for their God and not desecrate the name of their God; for they offer YHWH's food offerings, the food of their God and so must be holy.

The contrast drawn in v. 6 is between the human (specifically priestly) aspiration to take in some of God's holiness (the verse begins with קדשים יהיו and ends with והיו קדש) and the human potential to desecrate, that is, to reduce the holiness of God. This verse describes a relationship of reciprocity vis-à-vis holiness. This speaks to H's model of a dynamic holiness, one that can expand and contract on both the divine and human sides, depending on human action. This stands in marked contrast to P's static holiness, which deems priests "holy" de facto and focuses on purity/impurity fluctuations.

In Lev 22:2, the text reads:

דבר אל אהרן ואל בניו וינזרו מקדשי בני ישראל ולא יחללו את שם קדשי אשר הם מקדשים לי אני יהוה

[36] Joosten, *People and Land in the Holiness Code*, 126–27.

[37] This is a difficult verse. The source of the 3ms referent is not altogether clear. Noth (*Leviticus,* 155) posits that לחם is the subject since משמרתי is feminine.

[38] Ganzel, *Defilement and Desecration*, 10.

[39] For more detail, see Kamionkowski, "Did the Priests Have a 'Name' Theology?"

The Hebrew syntax of this verse is difficult since the relative clause marked by אשר seems misplaced. Rashi describes this verse as twisted, and suggests that the middle clause should be put at the end. This has been the practice of commentators from the medieval period to the present.[40] Thus, NJPS: "Instruct Aaron and his sons to be scrupulous about the sacred donations that the Israelite people consecrate to Me, lest they profane My holy name, Mine the Lord's." In this translation, the consecration action expressed by the participle מקדשים is directed toward the sacred donations. The context, which deals with the donations that Israel sanctifies, certainly verifies this reading. However, there is another translation that does not require us to transpose parts of the verse. If we read Lev 22:2 as it is actually presented, the object of the participle מקדשים is the divine Name: "Instruct Aaron and his sons to be scrupulous about the sacred donations of the Israelite people; they should not desecrate My holy name which they sanctify for me, I am YHWH." In this particular case, the people sanctify the name of God, not the donation. The Israelite sanctification of the name of God at the beginning of this chapter forms an inclusion with the end of the chapter, which states (v. 32) that God is sanctified in the midst of Israel. The desecration of the name is inextricably linked to the people's potential and charge to sanctify God. Again, Israel has the power both to expand and contract God's שם, an aspect of God.

Lev 22:32 appears as a summary statement following upon God's admonition to observe all of the commandments.[41] The verse reads:

ולא תחללו את שם קדשי[42] ונקדשתי[43] בתוך בני ישראל אני יהוה מקדשכם

There are three assertions in this verse. First, "You should not desecrate my name of holiness." Second, "I am made holy in the midst of the people Israel." And finally, "I am YHWH who makes you holy." In unambiguous language we have here the presentation of H theology as relational and mediated through the language of holiness: 1) people have the power to desecrate God's name, that is, to diminish God's holiness; 2) but if they do it then it impacts upon God's ability to make Godself holy among Israel (ונקדשתי בתוך בני ישראל); 3) and thereby Israel's holiness is diminished since it is God who is ultimately their source of holiness.

---

[40] Levine's comment is typical of commentators: "The Hebrew is unusual .... For a smoother reading the translation shifts the parenthetical clause, which intrudes on the normal sentence structure, to the end of the verse" (*Leviticus*, 147). The accent marks split the verse at "my holy name."

[41] Schwartz opines that this generalized statement indicates that the observance of all the laws is a preventative against hillul Hashem and that every transgression is a hillul Hashem (*The Holiness Legislation*, 221).

[42] This phrase appears in Lev 20:3; 22:2, 32; Ezek 20:39–40; 36:20–22; 39:7; 42:13; 43:7–8; Amos 2:7.

[43] The *niphal* of the root קדש with God as the subject in priestly writings appears in Lev 10:3 and Num 20:13.

Again, לחלל את השם is not just about harming God's reputation or disobeying the word of God; it is about Israel's direct ability to affect God's holiness, which in turn, has an impact on the level of holiness that the community of Israel attains.[44]

Lev 20:3 is the most illuminating passage for our investigation:

ואני אתן את פני באיש ההוא והכרתי אתו מקרב עמו כי מזרעו נתן למלך למען טמא את מקדשי ולחלל את שם קדשי

I will set my face against that man and cut him off from among his people, because he has given his children to Molech and thereby defiled my sanctuary and desecrated my holy name.

In this verse, we are told that Molech worship affects God in two ways: it defiles God's sanctuary, and it desecrates his name.[45] Are these two parallel statements, two sequential results of Molech worship,[46] or do they signify two different effects of sin? The initial phrase in this verse stands in the tradition of P thinking with some revision. Certain wrongdoings (cultic/ritual for P and more expansive for H) can have a direct, negative impact on the sanctity of God's sanctuary. טומאה is created by human actions and attaches itself not to God, but to God's objects, i. e., the sanctuary and its contents.[47] In P writing, we might then find a priestly prescription for cleansing the טומאה from the individual and from the sanctuary through blood sacrifice. Instead, H offers a supplemental phrase: "desecration of my holy name." P's cultic writings are exclusively concerned with the maintenance of the sanctity of the cult site in order to ensure God's כבוד in their midst; the H inclusion of the term שם adds a new theological dimension to the static theology of P's cultic material. It is no longer sufficient to ensure the presence of the כבוד, argues H, but Israel must work to maintain the holiness of God's שם.

If H democratizes P, as has been argued by several scholars, then God's שם is that aspect of God which is accessible to all of Israel and not just the priests. Milgrom argues that "God's name is the only sanctum other than the meat of the well-being offering that can be utilized by the laity."[48] The P writers

[44] Regarding oath taking, Schwartz argues that the 2nd person use means that H is saying, "It's not just my Name that you are desecrating, but the name of your God." The name of YHWH is the only holiness that Israelites are entitled to have a part of, so its desecration is the desecration of all other holiness for Israel (*The Holiness Legislation*, 309.)

[45] Lev. 18:21 forbids the dedication of children to Molech as well, and teaches that the result of this act is the desecration of the Name. Cf. Lev 20:2–5; I Kgs 11:7; 2 Kgs 23:10; Isa 57:9; Jer 32:33. See Schwartz, *The Holiness Legislation*, 187–203.

[46] Tannaitic literature seems to take these two phrases sequentially, cf. Sifra Kedoshim, Parasha 10:8: "'And so defiled My sanctuary and profaned My holy name': this teaches that [Molech worship] defiles the sanctuary, profanes the Name, causes the Divine Presence to depart, brings the sword upon Israel, and exiles them from their land." For a thorough analysis of this and related tannaitic sources, see Klawans, *Impurity and Sin*, 118–34.

[47] Milgrom, *Leviticus 1–16*, 258–61.

[48] Milgrom, *Leviticus 17–22*, 1634–36.

argued that impurities have an impact on the sanctuary and may ultimately drive God's כבוד away, but H counters that while impurities have an impact on the sanctuary, ethical and cultic wrongdoings also impact directly upon an aspect of the divine being. The untouchable כבוד is replaced, or rather supplemented by, the relational שם. The inaccessible, "Other" God of the P writers is here changed into the more accessible, intimate God of H.

Israel's power as a partner in holiness is so central for H that a cautionary narrative text about exploiting this power is provided in Lev 24. Within the legal material of the Holiness Code, we find a single narrative text embedded. The fact that it is the only narrative text in the Code is worthy of note, but it is its content that is especially relevant for our purposes. The story begins abruptly with a fight between two men:[49] one who had an Israelite mother (of the tribe of Dan) and an Egyptian father, and the other a full Israelite.[50] In the midst of the fight, the half-Israelite invokes the Name, utters a curse, and is immediately taken into custody. God then instructs Moses to remove the man from the camp, have all who heard him lay their hands on him, and then have the community stone him. The narrative is then interrupted with a general legal statement prescribing stoning as the punishment for cursing God. This brief passage is packed with numerous difficulties, not all of which can be addressed here.[51] The important questions for our purposes are: what does נקב mean? And what does נקב mean within the context of קלל? And finally, what is the relationship between vv. 11 and 16? In Lev 24, נקב appears exclusively in the *qal*. There are a number of instances in biblical passages where the *qal* of נקב has the basic sense of piercing. For example, in 2 Kgs 12:10, the priest Yehoiada bores a hole through the chest.[52] But the *qal* can also be used in the meaning of "designate" or "summon by name," as in Isa 62:2 and Amos 6:1. In our passage, therefore, one could argue on the philological evidence alone that the man has either simply invoked the Name or has somehow "pierced" the Name. The second verb in v. 11, קלל, is clearer and indicates that he somehow uses the Name in a curse. He may have tried to attack YHWH via a curse, or perhaps he used YHWH's Name against Himself.[53] Or he may have tried to invoke YHWH in his cause against an Israelite.[54] Jacob Weingreen argues that

[49] There are a number of legal cases situated within the context of male fighting, cf. Exod 21:18–19; Exod 21:22; Deut 25:1–3; Deut 25:11–12.

[50] The definite marker is odd here and suggests that this may have been a person of some importance or centrality to the ancient writers.

[51] The primary discussion of this passage can be followed in a series of articles published in *Vetus Testamentum* from the 1960s through the 1990s.

[52] 2 Kgs 18:2 // Isa 36:6; Hab 3:14; Hag 1:6; Job 40:24, 26.

[53] *b. Sanh* 56a suggests that the crime is cursing God Godself. Rashbam wrote: "He pronounced the Name and then he cursed." According to this interpretive tradition, mentioning the Name and general cursing are not at issue here. The crime is specifically cursing God by name. Cf. Livingston, "The Crime of Leviticus."

[54] See Gerstenberger, *Leviticus*, 360–64.

v. 11 implies that the problem did not reside in the naming (נקב) of the Name, but in the cursing (קלל).[55] Rodney R. Hutton and others have rejected Weingreen's reading because v. 16 uses נקב in the sense of "pierce" or "curse."[56]

Theodore J. Lewis argues that there was a longstanding and common motif in ancient Near Eastern creation narratives of deities killing one another by piercing the enemy. For example, in Job 40:24–26 [Heb], the verb נקב appears twice to describe God's smiting of Leviathan. Lewis suggests that in Lev 24, the fact that one of the men is identified as part Egyptian may suggest that the argument is about divinity, and that one man is invoking his god to "pierce" the other god. "In sum, we are suggesting that the curious idiom of 'piercing' (*nqb*) the name of YHWH hearkens back to a mythic tradition whereby vanquished gods and/or preternatural foes were 'pierced' by a warrior god."[57] Lewis's study takes seriously the power of a name, the literal meaning of נקב, and suggests some echo of attempted deicide. "To blot out a name, then is identity *de*formation, including effacing one's very existence and future memory."[58] This seemingly misplaced narrative serves to enforce the theological arguments embedded in H legal material. Just as the Name can be desecrated by certain actions, so the Name can be pierced. In both cases, the Name is susceptible to Israel's actions and speech. It is interesting to note that P's central narrative block in Leviticus contains a message about overstepping with regard to God's כבוד while H's narrative contains a parallel story about breaking through boundaries with respect to God's שם.[59] In one case, Nadav and Avihu (Lev 10) are consumed by God's presence, and in the latter narrative, the man is put to death by the community.

V. Theology in H and the Function of God's Name

The unique theology presented in Holiness Legislation gives rise to the phrase לחלל את השם. As I mentioned at the outset, there are different notions of God in the Hebrew Bible and in this study, we are interested in H's God ideas. It is my belief that the phrase לחלל את השם is a significant theological assertion developed by the H writers in response to an earlier P theology. It appears with frequency in H, but this same phrase never appears in P texts. In P, theology is focused on God's כבוד, that is, God's immanent presence within the Holy of Holies. It is likely that the priests believed that there was more to their God than the physical presence that resided in the Temple, but the כבוד was that aspect

[55] Weingreen, "The Case of the Blasphemer."

[56] Hutton, "The Case of the Blasphemer Revisited."

[57] Lewis, "Piercing God's Name," 237.

[58] Lewis, "Piercing God's Name," 218.

[59] For a more detailed study of Lev 24 and the Divine Name, see Kamionkowski, "Leviticus 24,10–23 in Light of H's Concept of Holiness."

of God within which the priests, and by extension, the people of Israel had a tangible connection to God. I suggest that God's name functions in parallel fashion to P's כבוד. שם is not just about reputation, but it is that aspect of God with which the people could interact. This should not be confused with D's use of שם, which is used in a narrower context concerning the Temple. Just as the P writers believed that impurities on the sancta could drive God's presence out of the Temple, the H writers believed that wrong actions (whether cultic or moral) could have a tangible impact on part of God. Thus, I directly oppose readings such as Bertola's above which assume that modern beliefs about God apply to *depictions* of God in biblical texts.

Towards the end of Milgrom's illustrious career, he returned to a consideration of לחלל את השם. Based on his previous work on Leviticus, Milgrom reviewed each case of this phrase in H and Ezekiel and concluded that טמא is used for tangible things and that חלל is used metaphorically for intangible things. "Two euphemisms, שם and חלל are employed to avoid saying that the person of God is defiled."[60] At the conclusion of his article, he writes the following:

> At first glance, one might think that the expression לחלל את השם implies that damage is being inflicted directly on the godhead, and the term שם, "name" has been inserted to avoid this gross anthropomorphism .... This interpretation must be rejected out of hand .... When Israel refrains from violating God's commandments, God becomes acknowledged by more Israelites. Similarly, when God's name is desecrated, this means he is discredited by more Israelites ....

He concludes by saying that the reason the phrase is used at all is because the writers needed language to describe the consequences of moral or metaphorical wrongdoings. Milgrom concludes that the biblical writers picked up on this phrase because it was already in use by the general population (citing Amos 2:7b).

Milgrom, like every other interpreter who addresses this phrase, finds some way to interpret it as metaphorical or related to God's public reputation. Scholars generally assert that priestly writers use terminology in highly precise manners, so much so that there are monographs devoted to the interpretation of holiness, purity, and impurity. The precision of treatment slips away with the category of desecration, and convoluted arguments are made to avoid the possibility that this phrase actually means what it says. In a highly relational, dynamic theology, where holiness status can be increased or decreased, how can it be that only one partner, Israel, can shift? Certainly, in P's static theology, God is an unknowable Other, one who cannot be affected by the actions of Israel. But H's relational theology implies two dynamic partners, each of whom can impact the other. I believe that the avoidance of this possibility is not due to paucity of data, but rather a discomfort with the idea that people can change God. In earlier J narratives, God actively and literally interacts with human beings and is impacted by their

[60] Milgrom "The Desecration of Yhwh's Name," 19.

actions. God has regrets regarding the creation of humanity and right after the Flood, God realizes that people are people, so it is God who needs to adapt, not the people (Gen 8:21). God argues with Moses time and time again. Now these examples come from other theological perspectives in the Hebrew Bible, but the idea of a God who changes and adapts as a result of interaction with human beings is not foreign to the Bible. It is simply that H presents this idea in stark terms.

Finally, H does not claim that YHWH is diminished by the actions of people; it claims that God's שם is impacted. In general, the texts of the Hebrew Bible do not engage in systematic theology or doctrine. Apart from Job, the writers do not contemplate the essence or nature of God. They are interested in God only insofar as the divine is involved with people. There is no single God of the Hebrew Bible; there are a variety of ideas about the God of Israel. The Holiness School presents a series of ideas and wishes for a society based on these understandings of God. As biblical scholars, and not theologians, we may feel personally inspired or disquieted by certain ideas, but such is the nature of scholarship.

Bibliography

Amorim, Nilton Dutra. *Desecration and Defilement in the Old Testament*. Ph.D. diss., Andrews University, 1985.

Bertola, Ermenegildo. "Le Sacré dans les plus anciens livres de la Bible." Pages 201–24 in *Le Sacré: études et recherches*. Edited by Enrico Castelli. Paris: Aubier, 1974.

Bibb, Bryan D. *Ritual Words and Narrative Worlds in the Book of Leviticus*. LHB/OTS 480. New York: T&T Clark, 2009.

Blank, Sheldon H. "Isaiah 52.5 and the Profanation of the Name." *HUCA* 25 (1954): 1–8.

Ganzel, Tova. "The Defilement and Desecration of the Temple in Ezekiel." *Biblica* 89 (2008): 369–79.

–. "Defilement of God's Name in Ezekiel." Pages 206–19 in *ZER RIMONIM: Studies in Biblical Literature and Jewish Exegesis Presented to Professor Rimon Kasher*. Edited by Michael Avioz, Elie Assis, and Yael Shemesh. International Voices in Biblical Studies 5. Atlanta: SBL Press, 2013. (Hebrew)

Gerstenberger, Erhard S. *Leviticus: A Commentary.* OTL. Louisville: Westminster/John Knox Press, 1996.

Hackett, Jo Ann and John Huehnergard. "Purity and Profanation: The Root *h-l–l in Biblical Hebrew and Semitic." Pages 269–83 in vol. 1 of *Ve-'Ed Ya'aleh (Gen 2:6): Essays in Biblical and Ancient Near Eastern Studies Presented to Edward L. Greenstein*. Edited by Peter Machinist et al. 2 vols. Atlanta: SBL Press, 2021.

Hartley, John E. *Leviticus*. WBC. Nashville: Nelson, 1992.

Hutton, Rodney R. The Case of the Blasphemer Revisited (Lev. XXIV 10–23)." *VT* 49 (1999): 532–41.

Joosten, Jan. *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–27*. Leiden: Brill, 1996.

Kaiser, Walter. "(*shem*), name." Pages 934–35 in *Theological Word Book of the Old Testament*. Edited by R. Laird Harris, Gleason L. Archer Jr., and Bruce K. Waltke. Vol. 2. Chicago: Moody, 1980.

Kamionkowski, Tamar. "Did the Priests Have a 'Name' Theology? Pages 21–28 in in *The Bible and Its World, Rabbinic Literature and Jewish Law and Jewish Thought‹, Vol 1 of ›Iggud – Selected Essays in Jewish Studies*. Edited by Baruch J. Schwartz Abraham Melamed and Aharon Shemesh. Jerusalem: Proceedings of the 14th World Congress of Jewish Studies, 2008.

–. "Leviticus 24,10–23 in Light of H's Concept of Holiness." Pages 73–86 in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions*. Edited by Sarah Shectman and Joel S. Baden. Zürich: Theologischer Verlag Zürich, 2009.

–. *Leviticus*. Wisdom Commentary 3. Collegeville, MN: Liturgical Press, 2018.

Klawans, Jonathan. *Impurity and Sin in Ancient Judaism*. Oxford: Oxford University Press, 2003.

Knohl, Israel. *The Sanctuary of Silence: The Priestly Torah and the Holiness School*. Minneapolis: Fortress Press, 1995.

Levine, Baruch. *Leviticus*. The JPS Torah Commentary. Philadelphia: JPS, 1989.

Lewis, Theodore J. "Piercing God's Name: A Mythological Subtext of Deicide Underlying Blasphemy in Leviticus 24." Pages 213–38 in *Le-ma'an Ziony: Essays in Honor of Ziony Zevit*. Edited by Frederick E. Greenspahn and Gary A. Rendsburg. Eugene, OR: Cascade Books, 2017.

Livingston, Dennis. "The Crime of Leviticus XXIV 11." *VT* 36 (1986): 352–54.

Milgrom, Jacob. *Leviticus 1–16*. AB. New York: Doubleday, 1991.

–. "The Changing Concept of Holiness in the Pentateuchal Codes with Emphasis on Leviticus 19." Pages 65–75 in *Reading Leviticus: A Conversation with Mary Douglas*. Edited by John F.A. Sawyer. Sheffield: Sheffield Academic, 1996.

–. *Leviticus 17–22*. AB. New York: Doubleday, 2000.

–. *Leviticus 23–27*. AB. New York: Doubleday, 2001.

–. "The Desecration of Yhwh's Name: Its Parameters and Significance." Pages 317–25 in in *Shai le-Sara Japhet: Studies in the Bible, its Exegesis, and its Language*. Edited by Moshe Bar-Asher, Dalit Rom-Shiloni, Emanuel Tov, and Nili Wazana. Jerusalem: Bialik Institute, 2007.

Noth, Martin. *Leviticus: A Commentary*. Rev. Ed. OTL. Philadelphia, PA: Westminster, 1977.

Rapaport, Izaak. "The Hebrew Word Shem – (שם): A New Interpretation of Several Biblical Passages." *Dor le-Dor* 10 (1982): 144–56.

Reiterer, Friedrich V. "שם." Pages 122–74 in *Theologisches Wörterbuch zum Alten Testament* Edited by G. Johannes Botterweck and Helmer Ringgren. Vol. 8; Stuttgart: W. Kohlhammer, 1994.

Schwartz, Baruch. "'Profane' Slaughter and the Integrity of the Priestly Code." *HUCA* 67 (1996): 15–42.

–. *The Holiness Legislation: Studies in the Priestly Code*. Jerusalem: Magnes Press, 1999. (Heb)

–. "Israel's Holiness: The Torah Traditions." Pages 47–59 in *Purity and Holiness: The Heritage of Leviticus*. Edited by M. J. H. M. Poorthius and J Schwartz. Leiden: Brill, 2000.

Sternberg, Adina. קידוש השם וחילול השם במקורות התנאיים. Ph.D diss., Bar Ilan University, 2007.

Weingreen, Jacob. "The Case of the Blasphemer (Leviticus XXIV 10ff)." *VT* 22 (1972): 118–23.

Wenham, Gordon J. *The Book of Leviticus*. NICOT. Grand Rapids, MI: Eerdmans Publishing Co., 1979.

van der Woude, Adam S. "שם, name." Pages 1348–67 in *Theological Lexicon of the Old Testament*. Vol. 2. Edited by Ernst Jenni and Claus Westermann. Translated by Mark Biddle. Peabody, MA: Hendrickson, 1997.

Wright, David P. "Holiness in Leviticus and Beyond: Differing Perspectives." *Interpretation* 53 (1999): 351–64.

YHWH's Laws in Psalms*

Marc Zvi Brettler

I. Introduction

David's book on the Covenant Collection[1] opens: "This study proposes a profoundly new understanding of the composition and nature of the Covenant Code (Exodus 20:23–23:19)."[2] It delivers; his understanding is new, and like his many other studies, focused primarily on the Exodus material and the priestly corpus, is interesting, comprehensive, meticulously argued, and convincing. The following study looks at one of the areas of biblical law that David and other biblical scholars have not explored adequately. Unlike David's work, it is tentative and preliminary, meant to provoke discussion rather than to offer any definitive conclusions.[3]

My question is simple: What was law for the (various) psalmists?[4] This question has several parts that are likely interrelated. The most obvious is: When a psalmist uses the word תורה, rendered as "law" (νόμος) from at least the time of

* I would like to thank Gary Anderson, Matthew Arakaky, John Barton, Angelika Berlejung, William Brown, Alan Lenzi, Tony Nguyen, and Karel van der Toorn for their help with this article.

[1] Following Baruch Schwartz and others, I prefer the designation "collection" to "code."

[2] Wright, *Inventing God's Law*. This article is offered in friendship to David, and in appreciation for all that he taught me, especially during the decades we spent teaching together at Brandeis University.

[3] As such, the documentation in this article is representative rather than comprehensive. This article was completed before the following works, which substantiate parts of my argument, were published: Adler, *Origins of Judaism: An Archaeological-Historical Reappraisal*; Schmid, *Scribes of the Torah: The Formation of the Pentateuch*; and Kwon and Bledsoe, eds., *Between Wisdom and Torah*.

[4] I am using the broad understanding of "law" and "biblical law" as seen for example in Patrick, "Law in the OT," 602: "The English word *law* has a large range of meanings. The basic meaning in contemporary speech is rule(s) of conduct recognized and enforced by ruling authorities. Rules may be enacted by a sovereign power; or they may be customary, established by precedent. The singular, law, can refer to a single rule or all authoritative rules collectively. Law includes commandments for present and future actions and decisions of judges regarding past actions. Moral law, while not enforced by judges, claims the conscience." Pamela Barmash (personal correspondence from August 21, 2022) offered the following similarly broad definition of "law": "statements that are meant to shape behavior." According to the understanding of "law" in Westbrook and Wells, *Everyday Law in Biblical Israel*, 2–3, the references I discuss below belong in a discussion of biblical law, even though they say (p. 33), "It is true that some wisdom sayings in Proverbs and some prayers in the Psalms contain legal language and allusions … they

the LXX, what does he[5] mean? Less obviously, what legal corpora might various psalmists know? And finally, many psalmists, either when protesting their own innocence or when claiming that others are acting improperly, must be assuming some agreed-upon norms of proper behavior. But what is that set of norms, and what is its basis for authority?[6]

Given the many references to sins or crimes in Psalms, whether in confessions or protests of innocence by psalmists, or in accusations of psalmists against enemies,[7] it is surprising that this issue has not garnered more attention.[8] It is strikingly absent in many recent reference books. *The Oxford Handbook of the Psalms*, edited by William Brown,[9] has no essay that treats this synthetically. The index entry for "Law" is simply a cross-reference to "Torah," but law and Torah are not identical; the latter is a much broader category, and the volume does not address law or laws in Psalms in a systematic fashion. *The Oxford Handbook of Biblical Law* has a section on "Law in the Canon of the Hebrew Bible."[10] It comprises three chapters, focusing on the Pentateuch, the Prophets, and the Wisdom Tradition; Psalms is absent as a self-standing contribution. *The Oxford Encyclopedia of the Bible and Law* lacks an entry on "Psalms," which is incorporated more broadly, and quite briefly, into an article on "Law in the Writings."[11] This paucity of literature explains why the following survey is so tentative, intended to open up discussion rather than to offer definitive conclusions – I cannot build my argumentation on robust and detailed earlier studies.

II. תורה in Psalms

The only certain fact concerning תורה in Psalms is that this word appears thirty-six times in the MT, twenty-five of them in Ps 119.[12] But to what do these references

---

are not especially helpful sources for understanding ancient Israelite law." The opinion they express is commonly held, but I disagree with it.

[5] Although the Psalter contains some female voices (see Brettler, "Women and Psalms," 23–56), it is very predominantly a male composition.

[6] Given that in terms of its composition, Psalms is likely the most multi-authored book in the entire canon, deriving from many different periods and places, we should not expect a single answer that would subsume all the psalms.

[7] In a confession, see, e. g., Ps 41:5; in a protestation of innocence, see, e. g., Ps 26; in accusing wicked enemies, see, e. g., Ps 55:4.

[8] A partial exception is Mays, "The Place of the Torah-Psalms in the Psalter," 3–12 (reprinted in Mays, *The Lord Reigns*, 128–35), who investigates the importance of Torah (but not law in a broader sense) in Psalms. Some subsequent scholars have developed his insights in relation to the organization and editing of the Psalter, which is not my focus here.

[9] Brown, ed., *The Oxford Handbook of the Psalms*.

[10] Barmash, ed., *The Oxford Handbook of Biblical Law*, 257–89.

[11] Magdalene and Wells, "Law in the Writings," 485–86.

[12] For statistics and more details, see further, Fabry and García López, "תּוֹרָה *tôrâ*," *TDOT* 15:609–46.

to תורה refer? Not surprisingly, most medieval Jewish exegesis, following Jewish tradition, assumes that תורה refers to the canonical Pentateuch.[13] Modern biblical scholarship does not concur, in part because some of the passages that use this term likely predate the compilation of the canonical Pentateuch.[14]

Implicit theological and confessional concerns often enter into the determination of whether תורה in Psalms ever refers to the Pentateuch. For example, García López's discussion of תורה in Psalms in *TDOT* concludes: "Life according to the *tôrâ* is the grateful human response to God's free gift of salvation."[15] In a more general vein, García López notes:

> There is some ambiguity in the semantic spectrum of *tôrâ* in the Psalms. The meaning of the term fluctuates between "law" and "instruction, teaching." Most exegetes assume that *tôrâ* is to be understood in a broad sense in the Psalms. Those who speak of "law" point out that this term does not refer here to the laws of Moses or the Pentateuch in the strict sense, but to "all divine revelation as the guide to life." Those who see *tôrâ* as meaning "instruction, teaching" understand the word broadly as the revelation of God's will, the nucleus of this revelation being God's law and its historical manifestation.[16]

This treatment of Ps 119, which as noted above, uses תורה twenty-five times, and synonyms or related terms many more times, is a bit confusing. On the one hand, García López notes that for this psalmist, "[t]his word of God – or God's *tôrâ* – probably had a fixed written form," suggesting that it could refer to the Pentateuch, but in the very next paragraph he claims "that the psalmist probably envisions a much more expansive form of divine revelation."[17] Which is it? After all, a basic problem of the psalm, according to many scholars, is "that it attends so deeply to torah without ever offering any clear definition of it."[18]

For David Noel Freedman, it is both.[19] He notes correctly that "Psalm 119 never specifies the actual contents of *tôrâ*." He is more willing than García López to entertain the possibility that it refers to the Torah, noting that "common sense would dictate, the *tôrâ* that the psalm exalts includes at least the Pentateuch."[20] He further suggests that "a plausible time period for this psalm is the rule of Ezra or Nehemiah, each of whom sought to make *tôrâ* the ruling document for

---

[13] Note esp. Levenson's opening sentence in "The Sources of Torah": "An essential aspect of the traditional understanding of Scripture is the priority of the Pentateuch. The rabbis of the Talmudic era assumed that the first five books of the Hebrew Bible, with the possible exception of only a few verses, were revealed to Moses on Mt. Sinai …," 559.

[14] For an excellent discussion of תורה in Psalms, see Brown, *Deep Calls to Deep,* 179–210.

[15] García López, "תּוֹרָה *tôrâ*," *TDOT* 15:632; cf. the problematic discussion in Kraus, *Theology of the Psalms*, 161.

[16] García López, "תּוֹרָה *tôrâ*," *TDOT* 15:628–29.

[17] García López, "תּוֹרָה *tôrâ*," *TDOT* 15:631; see similarly, Reynolds, *The Torah as Teacher,* esp. 181.

[18] Burt, "Your Torah is My Delight," 688.

[19] Freedman, *Psalm 119*, 89.

[20] Freedman, *Psalm 119*, 91.

restored Jerusalem."[21] But he hedges a bit, offering a second interpretation of תורה, beyond "the definitive sacred text," as "the specific revelation of God's will in the various instructions that the sacred text contains,"[22] thus not the text itself, but its content.

It seems impossible to me to determine the referent of תורה in this psalm, though this does not mean, as Freedman suggests, that it has multiple referents. The psalm contains a large number of references to fulfilling the law, but insufficient details to know what the law's content is. Nor can we determine, unlike Ps 1,[23] if the author of Ps 119 imagined that this תורה was written – it is striking that nineteen times this psalmist calls the תורה God's אִמְרָה, all but one in the form אמרתך, and none of the many expressions for תורה in this psalm, or words associated with it, suggest that it was written. In fact, Jon Levenson astutely points out that the author could have easily used the word סֵפֶר to begin one of the acrostic lines now found in verses 113–120 but does not.[24]

Many scholars have pointed out that this psalm lacks any references to creation as described in Genesis,[25] and thus it may not know the entire Pentateuch, which begins with creation. This is a problematic argument from silence, as the following examples from a later period illustrate. It is broadly accepted that by the time of the rabbinic period, the Torah was redacted and was in the (consonantal) form that we more or less have it now.[26] Yet, anyone reading particular rabbinic statements about it might, using some of the same logic applied to understanding תורה in Ps 119 as excluding creation, or indeed all of Genesis, deduce otherwise. I will offer just two examples. Menaḥot 110a, from the Babylonian Talmud, reads:

אמר ריש לקיש מאי דכתיב (ויקרא ז, לז) זאת התורה לעולה למנחה ולחטאת ולאשם כל העוסק בתורה כאילו הקריב עולה מנחה חטאת ואשם

Reish Lakish said: What is the meaning of that *which is written: "This is the law [torah] of the burnt offering, of the meal offering, and of the sin offering, and of the guilt offering,* and of the consecration offering, and of the sacrifice of peace offerings" (Leviticus 7:37)?

---

[21] Freedman, *Psalm 119*, 92.

[22] Freedman, *Psalm 119*, 92.

[23] See below.

[24] Levenson, "The Sources of Torah," 559; see also the expression of this point in Burt, "Your Torah is My Delight," 689.

[25] E. g., Freedman, *Psalm 119*, 90.

[26] Tov, *Textual Criticism*, 30. Tov notes that the consonantal form of 𝔐 found in some early Qumran texts does not differ greatly from the codex Leningrad B19^{A} (L) and that a comparison between the two demonstrates that "the consonantal framework of 𝔐 changed very little, if at all, in the course of more than one thousand years. Even more striking is the fact that the texts from the other sites in the Judean desert are virtually identical with the medieval texts, probably because they derived from similar circles."

This teaches that *anyone who engages in Torah* study is considered *as though he sacrificed a burnt offering, a meal offering, a sin offering, and a guilt offering.*[27]

May we deduce from this that the Torah only contains the laws of sacrifices found in the beginning of Leviticus? Similarly, rabbinic literature often uses in relation to the Torah the verb קום in the *hiphil*, in the sense of "to fulfill," as seen, for example, in the first part of m. Avot 4:9: רבי יונתן אומר, כל המקים את התורה מעני, סופו לקימה מעשר, "Rabbi Jonathan said: whoever fulfills the Torah out of a state of poverty, his end will be to fulfill it out of a state of wealth."[28] Fulfillment of the Torah refers to fulfilling its commandments, which are largely absent in Genesis–Exodus 11. Should we learn from this that Rabbi Jonathan's Torah was missing Genesis and the first quarter of Exodus? Surely not! Similarly, we cannot determine the content of תורה of the author of Ps 119 based on its lack of mention of the creation stories that start the Torah as we currently know it.

It is striking that in the part of his discussion suggesting that תורה in Ps 119 refers to the Pentateuch, Freedman refers to "the Pentateuch, which Ezra edited and brought back to Jerusalem as the nation's charter (Nehemiah 8)." But a close examination of the very text he cites, the prayer in Neh 8, offers yet another example of how unclear the term תורה often is: Scholars are divided on whether or not the historical survey of Neh 8 is based on the Pentateuch, or predates the broad acceptance of the redacted Torah.[29] Compared to Ps 119, Neh 8 contains many more detailed references to events described in the Torah; if scholars cannot resolve whether or not the author of the prayer in Neh 8 knew the Torah as a redacted document, it is no surprise that they cannot make a similar determination concerning Ps 119.

The referents of the other ten references to תורה in the Psalter, found in seven psalms[30] are unclear – most of them certainly can refer to the redacted Torah, which is how most of the medieval Jewish interpreters typically take these references, but none requires this interpretation.[31] The case concerning Ps 1 is

[27] Steinsaltz, Translation of Menachot 110a, Sefaria (https://www.sefaria.org/Menachot.110a.11?lang=bi); words in italics, following Sefaria's practice of marking the distinction, represent what is present in the Hebrew, and words in regular type represent English words which have been supplied for sense.

[28] Kulp, Translation of Pirkei Avot, Sefaria (https://www.sefaria.org/Pirkei_Avot.4.9?lang=bi).

[29] That it refers to the entire Torah is the position of Japhet, *Ezra-Nehemiah*, 376–401, esp. 386 and 391 [Hebrew], and Japhet, "What May Be Learned," 539–56; contrast Fried, *Nehemiah*, 254–59, 268–69, about the lack of use of P material. See also her observations in a subchapter of her *Ezra and the Law in History and Tradition*, called "Q: Then How and When Did Torah Law Become Legally Binding on Jews? A: It Never Did," 169–70.

[30] Pss 1:2; 19:8; 37:31; 40:9; 78:1, 5, 10; 89:31; 94:12; 105:45.

[31] Modern scholars offer a variety of opinions concerning the referent of תורה in each psalm; for example, Kraus, *Psalms*, 2:273 associates Ps 19:8 with Deuteronomy; Hossfeld in Hossfeld and Zenger, *Psalms*, 2:454 associates Ps 94:12 with "a broader concept of Torah than a specific, priestly Torah;" and Goldingay, *Psalms,* 3:216–17 associates Ps 105:24 with Sinai.

complex.[32] In its current placement, as an introduction to the five-part Psalter, it likely refers to the five-part Torah, but it is unknown if this psalm was written for its current place, as an introduction to the Psalter, or if it was written independently of the book, and originally served a different function; in the latter case, it need not refer to a five-part book, namely, the Pentateuch. Crucially, it likely refers to a written text – certainly to something that can be recited (see יהגה in v. 2), but in its original form, it need not refer to "the" Torah.

One other Psalms text, even though it does not use the word תורה, is directly relevant to the issue of whether or not any psalmists knew the Torah more or less in the form we have it: Ps 147:19–20. The verses read:

מגיד דברו [דבריו] ליעקב חקיו ומשפטיו לישראל
לא עשה כן לכל־גוי ומשפטים בל־ידעום הללו־יה

He issued His command[s] to Jacob,
His statutes and rules to Israel.
He did not do so for any other nation;
of such rules they know nothing.
Hallelujah.[33]

Several scholars have suggested that these verses refer to the Torah,[34] but to my mind, this is unlikely. The language and ideas of the previous part of the psalm hardly reflect the finished Torah. Although the psalm refers to creation by the word in v. 15, the items created do not reflect the P creation story at the beginning of Genesis. These verses may possibly refer to D, which is called in 2 Kings 14:6, ספר תורת־משה, "the Book of the Teaching of Moses,"[35] and the various nouns used, דבר, חקים, and משפטים are used together in Deut 4:8–10, most likely in reference to the Decalogue. Indeed, the basic idea of the two verses in the psalm is that some set of laws distinguishes Israel from the nations, which is also fundamental to Deuteronomy (see, e. g., Deut 26:16–19).[36] Thus, *if* these verses do refer to a written text, it is more likely that they refer to some form of D rather than the entire Torah.

As is often the case in biblical scholarship, we have insufficient evidence – in this case, to know if any of the mentions of תורה in Psalms refer to the Torah, and thus if the psalmists knew the legal material in it. In part, this uncertainty is connected to two fraught issues: the date of particular psalms, and the date of the

[32] The following observations are heavily dependent on Sommer, "Psalm 1 and Canonical Shaping," 199–221, esp. 205–6.

[33] Here and elsewhere, I use the NJPS translation, sometimes slightly modified.

[34] See, e. g., Zenger in Hossfeld-Zenger, *Psalms*, 2:626–27; contrast Goldingay *Psalms*, 3:725.

[35] See, e. g., Gray, *1 & 2 Kings*, 604.

[36] See Kaminsky, *Yet I Loved Jacob*, 101, where he writes: "Because Deuteronomy sees the people of Israel as a holy people chosen by God, the book draws lines between those who are ethnically Israel and those who are not in much starker ways than one finds in the Priestly texts." See further, Nelson, *Deuteronomy*, 100, esp. n. 7.

Torah's compilation. But matters are not as simple as determining this relative chronology, for even once the Torah was compiled, it did not immediately become accepted as "the" Torah for the entire Jewish community.[37] Thus, we cannot know for sure if any psalmists did or did not know the Torah. I therefore turn away from the term תורה in Psalms, and ask more broadly if particular psalms likely refer to legal material known from the Torah, especially from its legal collections.

III. Material Reflecting the Legal Collections in the Psalter

The most extensive discussion of the legal material in Psalms is in the *Oxford Encyclopedia of the Bible and Law*'s article "Law in the Writings."[38] There, Magdalene and Wells open their discussion as follows:

> The psalms possess a variety of connections to Pentateuchal law. They refer to rules found in the Pentateuch, including those against false oaths (Pss 10:7; 24:4), lending money at interest or accepting bribes (Ps 15:5), false accusation (Ps 27:12), robbery and economic abuse (Ps 62:10 [MT 62:11]), the worship of foreign gods (Ps 81:9 [MT 81:10]), and the mistreatment of widows and orphans (Ps 94:6). They also use terminology reminiscent of that in the Pentateuch, especially Deuteronomy .... The psalmists' understanding of law and emphasis on obeying it may have been strongly influenced by Deuteronomy (Grant, 2004; Miller, 1999). By contrast, some scholars argue that the approach to law in the psalms may derive not only from Pentateuchal law but also from important traditions found in prophetic and wisdom literature (Goldingay, 2006, pp. 80–81).

This formulation is not entirely clear – it is uncertain if the authors, by using "refer to," mean reference to the specific laws as formulated in the Pentateuch, or to general laws on this topic, which happen to also be known in a Pentateuchal text. In any case, I am doubtful if any of these cases necessarily, or even likely, show dependence of a psalm on the Torah.[39]

The language used in each case in Psalms diverges in significant ways from the language of the law in the Torah, and thus it is difficult to be sure that any psalm is dependent on a particular Torah text. For example, Ps 10:7 states: אָלָה פיהו מלא ומרמות ותך תחת לשונו עמל ואון, "His mouth is full of oaths, deceit, and fraud; mischief and evil are under his tongue," shares no language with any Torah text concerning false oaths. The relevant section of Ps 24:4 reads: אשר לא־נשא לשוא נפשי ולא נשבע למרמה, "who has not taken a false oath by My life or sworn deceitfully." מרמה, "deceit," is not used in any of the Torah's legal collections.

[37] See Brettler, "Those Who Pray Together," 291–93.

[38] Magdalene and Wells, "Law in the Writings," 485–95.

[39] For the criteria that may be used for ascertaining allusions to earlier material, see Zevit, *Subtle Citation*. Although the list provided by Magdalene and Wells is not comprehensive, I do not believe any additional texts in Psalms that refer to laws are based on Pentateuchal texts.

The remainder of the verse is similar to the prohibition against false oaths in the Decalogue (Exod 20:7; Deut 5:11), and may be related to that (see below) rather than to any of the larger law collections. The only case in which a psalm shares a significant number of words, including unusual ones, with a law from one of the major collections[40] occurs in the prohibition against exacting interest in Ps 15:5 and in Lev 25:37, part of H. The relevant section of the law reads: את־כספך לא־תתן לו בנשך, "Do not lend him your money at advance interest," while Ps 15:5a reads: כספו לא־נתן בנשך, "who has never lent money at interest." This similarity, however, may be a case of the H legislation using the language of the psalm, rather than vice versa. The fact that the other phrases in the entrance liturgy of Ps 15 do not share significant phrases with Torah laws suggests that Ps 15:5a is not based on these laws.

Nor is it clear to me that the laws of Deuteronomy exerted strong influence on Psalms, as suggested by the references that Magdalene and Wells adduce. Some psalmists seem familiar with Deuteronomic phrases and ideas, but not specific laws. The literature that Magdalene and Wells cite to champion their position does not support it; Miller creates a wonderful dialogue between various psalms and Deuteronomy, but does not engage the issue of who influences whom, and the work of Grant is largely concerned with the final form of the Psalter rather than individual psalms, and its results have been trenchantly critiqued.[41] On the other hand, the final possibility that Magdalene and Wells suggest, especially concerning wisdom influence, has merit; I will return to this idea in the following section.

As noted above, it is likely that some form of the Decalogue influenced two psalms, as several scholars have pointed out. The most recent study of this literary relationship, by Karel van der Toorn,[42] suggests that the authors of Pss 50:18–19 and 81:9–11 (as well as several prophets), knew a "forerunner" or "prequel" of the Decalogue that was displayed in several Northern temples;[43] he accepts the position that Pss 50 and 81, both psalms of Asaph, were northern and their author(s) could have known this earlier Decalogue – actually a Pentalogue – from there. This idea is intriguing, but somewhat conjectural, and thus it remains unclear whether Pss 50 and 81 knew the Decalogue, more or less in the form of one of the versions found now in Exod 20 or Deut 5, or if these two psalms knew this proto-Decalogue.[44]

[40] Unusual words repeated between two contexts are more useful for determining literary dependence than usual words; see Zevit's edited volume referenced in the previous footnote.

[41] See esp. Sparks, review of *The King as Exemplar* (by Grant), 305–7.

[42] Van der Toorn, "Before the Decalogue."

[43] For a more skeptical view of the knowledge of the Decalogue by these psalmists, see Block, "The Decalogue in the Hebrew Scriptures," 2–25.

[44] It is uncertain, however, if this discussion of the psalmists' use of the Decalogue is appropriate to the issue being discussed here, since it is unclear if the Decalogue should in fact be

In sum, I think it unlikely that any psalmist is referring to any of the great three legal collections now found in the Torah. I agree with John Barton, who notes: "For the most part the sins mentioned (and virtues praised) [in the Psalter] are open and explicit"[45] rather than clearly referring back to Torah legislation. This may seem surprising, given that I have spoken of the J source of the Torah influencing Ps 105.[46] Jeffrey Leonard has made a similar argument concerning JE in Ps 78.[47] It is important to call to mind two points in explaining why Psalms, parts of which are quite late,[48] do not recall laws in the Torah collections. It is unclear when the legal material was added to the narrative material in the Torah, so it is plausible that a psalmist could know the narrative material from a particular source, but not the legal collection that eventually became coupled to it.[49] Furthermore, as I have noted elsewhere, it is a mistake to see the Torah as widely accepted in all groups in Israel even after it had been compiled and accepted by some groups, including the groups to which the authors of Chronicles and the book of Ezra–Nehemiah belonged.[50] Finally, we cannot take for granted that the Torah was accepted by the entire broader population, soon after its compilation, as the normative book for all of Judaism;[51] the large number of non-Torah traditions found in late Second Temple literature, such as Jubilees, shows that the Torah did not win a complete and swift victory as Israel's fundamental text.

IV. The Source of the Legal Norms of the Psalmists

If the legal expectations reflected in the Psalter do not derive from the Torah, what is their origin? Psalms' scholars tend not to address this question directly, but it has been examined by others in biblical studies from a variety of perspectives: ancient Near Eastern studies, biblical ethics, and wisdom. The conclusions from these various perspectives largely dovetail. As in the rest of this article, the following survey is representative rather than comprehensive.

---

considered law. As Baden, "The Transformation of the Decalogue," 67, has recently concluded: "The Decalogue in Exodus, then, does not function as covenant. What is more, it does not even function as law – despite having, indisputably, the form of law." Many other scholars, however, do consider the Decalogue law; see, e. g. Miller, "The Place of the Decalogue," 229–42, esp. 230.

[45] Barton, "Sin in the Psalms," 51.

[46] Brettler, "The Poet as Historian," 19–28.

[47] Leonard, "Identifying Inner-Biblical Allusions," 241–65.

[48] It is unimportant to suggest a precise date for either the compilation of the Torah or of particular psalms.

[49] See e. g., Jackson, *Wisdom-Laws*, esp. 477, which I discuss below; the separation of legal and narrative material is a common, but not universal, practice in the field.

[50] Shaver, *Torah in the Chronicler's Work*, doubts that the Chronicler knew the completed Pentateuch more or less as well have it, but his position is problematic; see, e. g., Ben Zvi, Review of *Torah in the Chronicler's Work*, 718–20.

[51] See footnote 37 for my article that addresses this question.

But first, let me clarify my question, which arises from a large number of psalms, by noting a set of largely intersecting questions that Psalms raises: Who is a רשׁע, "a wicked man," and his opposite a צדיק, "a righteous man"? Wicked or righteous in relation to what norms? On what basis could certain psalmists know that they were walking along the path that YHWH desires (see, e.g., Ps 26:1 בתמי הלכתי, "I have walked without blame"; 3 והתהלכתי באמתך, "and I have set my course by it")? It is good to know that YHWH loves צדקה ומשפט , "what is right and just" (Ps 33:5) – but what are these? יראת יהוה, "fear of YHWH" (Ps 111:10), is worthwhile – but what is it? It is good to, סור מרע ועשה־טוב, "shun evil and do good" (Ps 34:15) – but what exactly is "good" or "evil"? On what basis did the person who confessed in Ps 106:6, חטאנו עם־אבותינו העוינו הרשענו, "We have sinned like our forefathers; we have gone astray, done evil," know that the people's action was sinful? As noted above, it is unlikely that any of these verses refer to the norms reflected in the legal corpora of the Torah. In fact, this lack of a clear, written Torah is even implied in contexts such as Ps 86:11, where the psalmist entreats YHWH: הורני יהוה דרכך אהלך באמתך יחד לבבי ליראה שמך, "Teach me Your way, O LORD; I will walk in Your truth …"[52] YHWH's way and truth needed to be discerned precisely because it was not available in a book like the Pentateuch!

Karel van der Toorn's *Sin and Sanction in Israel and Mesopotamia*, from almost forty years ago, indirectly answers these questions.[53] After cataloguing the strong similarities between many biblical and Mesopotamian laws, he hints that in both traditions a common ancient Near Eastern wisdom tradition has influenced their respective laws: "The values advanced by the codes of conduct pertain to the realm of wisdom, honored throughout the whole of the ancient Near East."[54] A similar position was developed thirty years later by Angelika Berlejung, "Sin and Punishment: The Ethics of Divine Justice and Retribution in Ancient Near Eastern and Old Testament Texts."[55] She notes: "Societies of the ANE (including Israel) constructed the divine will as the foundation for human ethics. Divine judgment was conceptualized as the divine reaction to human thoughts and actions and presupposed that the gods observed human behavior and acted accordingly."[56] She claims that the divine will was perceived in a variety of ways: "revelations, prophecies, oracles, and laws."[57] It is crucial to note when considering the authority of law in the Bible that revelations are just one of several sources for ancient law, rather than buying into the idea that it was the only or main source. She argues, as others do, that the Covenant Collection, the

[52] See similarly 25:4; 27:11; 119:33, 102.

[53] Van der Toorn, *Sin and Sanction*.

[54] Van der Toorn, *Sin and Sanction*. 113, see also esp. 12–13, 39.

[55] Berlejung, "Sin and Punishment," 272–87.

[56] Berlejung, "Sin and Punishment," 272.

[57] Berlejung, "Sin and Punishment," 273. It is noteworthy that temples in particular were associated with justice, as noted in Hurowitz, "'For Instruction Shall Come Forth from Zion," 389–418.

oldest legal collection, was not originally connected to the Sinai revelation, but, "The older, casuistic part of this collection reflects the customary law of a rural, shepherding culture. During a later editing process, this legal collection of the norms of daily life was anchored and founded in Yhwh's will."[58] She makes the following two observations in her conclusions:

> In sum, according to the Old Testament, the divine will is encoded in the creation, given in the Torah, open to each human being (Pss 19; 119; Sir 1:1–10; 16:24–17:14; 24:23–34), and proclaimed through the prophets. Consequently a "sin" can be defined as a willful act against God, and ignorance is no excuse.[59]
>
> In order to explain the individual's as well as Israel's collective biography, a large number of biblical authors and redactors used the common ANE understanding of a nexus between human deeds and their consequences.[60]

Her model suggests that authors of various psalms likely shared this "common theology of the ancient Near East,"[61] and likely understood what was a crime or sin independently of the Pentateuchal legal corpora.

In exploring the issue of righteous suffering, T. M. Oshima, "Morality and the Minds of Gods. Divine Knowledge and Human Ignorance in Mesopotamian Prayers and Didactic Literature," follows up and extends the observations of van der Toorn and Berlejung.[62] He notes that from an early time in Mesopotamia, the notion of what is right and wrong was connected to wisdom, especially the maxim collections.[63] He correctly notes that revealed law in the sense known in Israel plays no role in Mesopotamia, and writes, citing H. Vanstiphout: "there seems to be no difference between a socially defined crime, punishable by law, and a sin – or rather, the latter category does not seem to exist independently."[64] He observes that the longest list of sins or crimes is found not in a legal text, but in a magical text, *Shurpu*,[65] stating, "As this incantation makes clear, the reciter does not make a categorical distinction between crimes, sins, and taboos.[66] Instead, as the reciter of this incantation puts it, any 'actions' of the penitent that 'were displeasing to his god' (line 85) were considered to be offenses against the gods."[67] These and other lists of sins, according to him, aim at curbing anti-social behavior, which the gods found offensive.[68] He returns to van der Toorn, quoting him:

---

[58] Berlejung, "Sin and Punishment," 277.
[59] Berlejung, "Sin and Punishment," 278.
[60] Berlejung, "Sin and Punishment," 279.
[61] I am borrowing this phrase from Smith, "The Common Theology," 135–47.
[62] Oshima, "Morality and the Minds of Gods," 386–430.
[63] Oshima, "Morality and the Minds of Gods," 388–91.
[64] Oshima, "Morality and the Minds of Gods," 397.
[65] Oshima, "Morality and the Minds of Gods," 397; see Reiner, *Šurpu* for the text.
[66] Reiner, "*Lipšur* Litanies," 136 [lines 81–95].
[67] Oshima, "Morality and the Minds of Gods," 398.
[68] Oshima, "Morality and the Minds of Gods," 399–401.

What the gods love by instinct is a respectful attitude and acts of philanthropy; what they abhor is anti-social behaviour. Pleasure and repulsion, the two principles that move the gods to action, correspond with the human appraisal of right and wrong. According to the traditional theology of the Mesopotamian scholars the doctrine of retribution is a law of nature, so to speak, that does not require an act of disclosure on the part of the gods. It can be known from observation, extrapolation, and speculation on the principle of similarity.[69]

Several of the studies just cited connected knowledge of what was a sin to the wisdom tradition. They are not alone. On a smaller scale, over forty years ago, the American scholar of biblical wisdom James Crenshaw noted similarities between Job and laments of the individual that concern sin.[70] The older tendency to see wisdom and cult as opposites, that have no connection to one another, has also come under question by such scholars as Leo G. Perdue,[71] Katherine J. Dell,[72] and Erhard Gerstenberger.[73] Dell suggests: "Maybe it is legitimate to see those writing for the cult as employing wisdom elements as a natural part of their self-expression;"[74] I would go beyond her "maybe."[75]

This suggestion of wisdom influence on psalms raises an old issue,[76] which has become more complicated by several recent studies that have questioned the utility of the category "wisdom" in biblical scholarship.[77] These studies suggest that only if we are looking in terms of genre, "the Wisdom Literature category is dead," and thus the old question of whether or not the Psalter contains wisdom psalms[78] is neither the only nor the best question to ask. Instead, we need to treat "wisdom as a concept,"[79] as "a program that fits with some larger understanding

[69] Oshima, "Morality and the Minds of Gods," 401.

[70] Crenshaw, *Old Testament Wisdom*, 122.

[71] Perdue, *Wisdom and Cult*.

[72] Dell, "I Will Solve My Riddle," 445–58 (reprinted in *The Solomonic Corpus of 'Wisdom' and Its Influence*, 131–42).

[73] Gerstenberger, "Non-Temple Psalms," 338–49, see esp. 342–43. See also to a lesser extent there 147–57 and Jacobson, "Wisdom Language in the Psalms."

[74] Dell, "I Will Solve My Riddle," 455.

[75] I thus find the following from her conclusion on 458 to be overly restrictive: "I contend therefore that wisdom is to be seen as a part of the earliest self-expression of Israel in its festival worship as in other areas of its life, that this comes to expression in some psalms that show wisdom influence, notably in psalms of mixed type and that, whilst there was an important coming together of wisdom and worship in post-exilic life, this is not the whole story."

[76] See the recent summary in Jacobson, "Wisdom Language in the Psalms."

[77] See, for example, Sneed, ed., *Was There a Wisdom Tradition*; Legaspi, *Wisdom in Classical and Biblical Tradition*; and Kynes, *An Obituary for "Wisdom Literature."*

[78] See the literature in the previous note, and esp. Forti, "*Gattung* and *Sitz im Leben*," 205–20.

[79] Kynes, *An Obituary for "Wisdom Literature*," 253. On wisdom as a concept, see also Lenzi, "'Counsels of Wisdom'," 60–61: "From an ancient Mesopotamian perspective 'wisdom' broadly considered, is not a literary genre or clearly demarcated cultural tradition. Rather, wisdom is a multifaceted, situationally-specific concept or amalgamation of concepts typically denoting someone's (or some thing's) possession of intelligence, cleverness, knowledge, know-how, or skill that gives its possessor an advantage or success in whatever it is that they endeavor to do. The concept was deployed to describe a variety of people, places, and things usually in a positive

of the world, an ethical orientation that arises from what one, through experience and intellectual effort, has come to know about reality."[80] As such, wisdom was not an isolated phenomenon, making occasional forays to the Joseph story, Isaiah or to a handful of psalms,[81] but was broadly influential throughout many parts of ancient Israel. In speaking of wisdom's broad influence on Psalms, I am echoing the conclusions of Markus Saur in his contribution to the SBL-edited volume, *Was There a Wisdom Tradition?*: "The anchoring of sapiential trajectories within the Psalter thus attests that wisdom is not an isolated foreign body in ancient Israel's history of literature and theology. Rather, it has to be interpreted as an integral part of the world of the Hebrew Bible."[82]

This broader interpretation of "wisdom" is at the heart of an understanding of the Covenant Collection developed by Bernard Jackson – an understanding that is the opposite of this volume's honoree, David Wright. Jackson's book, titled *Wisdom-Laws*,[83] does not study this corpus as a reworking of Hammurabi and other ancient Near Eastern legal texts, but as "wisdom-laws, reflecting the practices of the earlier, oral stage."[84] These laws are "reflective of popular custom (often shared with other ancient Near Eastern traditions), enabling the parties to resolve their disputes in a 'self-executing manner,' albeit in a rough-and-ready ('arbitrary') manner. Such a system of self-help was regulated by social values transmitted as a form of practical wisdom, observed through recurrent behaviour and reinforced through the culture of orality, both within the home and outside."[85] These laws were developed independently of their current Pentateuchal setting.[86] We should employ this broad sense of "wisdom" that Jackson and others use when we speak of wisdom influence on psalms, emphasizing that both the cult and the wise did not live in silos in ancient Israel.[87]

---

manner, though a negative connotation is also attested when the outcome of wisdom's use is deleterious from the perspective of the one describing it.... If we understand wisdom to be a multi-faceted, situationally-specific concept or conglomeration of concepts, as I have suggested, rather than merely a literary genre or tradition, then we are free to find wisdom's various and ramified manifestations wherever our loose definition fits. (This, by the way, is precisely what we do today in our own everyday cultural contexts.)"

[80] Legaspi, *Wisdom in Classical and Biblical Tradition*, 248.

[81] I cite these as classic examples where wisdom influence was detected by twentieth century scholars on non-wisdom texts.

[82] Saur, "Where Can Wisdom Be Found," 181–204; the quote is from 201.

[83] Jackson, *Wisdom-Laws*.

[84] Jackson, *Wisdom-Laws*, 30.

[85] Jackson, *Wisdom-Laws*, 372.

[86] Jackson, *Wisdom-Laws*, 477–78.

[87] This issue deserves further exploration. For example, the shared ideas between many psalms and dangerous speech likely offers a better explanation for the emphasis on the latter in Psalms than Mowinckel's hypothesis concerning sorcery in the psalms.

This position dovetails with several observations made by John Barton in his exploration of biblical ethics.[88] He observes that alongside legal texts, "[w]isdom books (Proverbs, Job, Ecclesiastes, Sirach, Wisdom of Solomon) are in a way the most obvious place to look for ideas about ethics, since they are almost wholly devoted to proposing how the reader should live and what will be the consequences of good or bad conduct."[89] Psalms as well is central to his project.[90] He uses the term "conventional morality,"[91] "something closer to a *morality of custom and convention*, possibly shared by people in all social strata"[92] to describe these ancient Israelite norms that are not reflected primarily in the legal collections; these norms reflect "an ethic based on a perception of a moral order in the world which, if it does derive from God, does so by way of God's character as creator rather than as a result of his (potentially arbitrary) commands,"[93] a notion also found in Egypt and Mesopotamia that "a moral order [was] somehow built-in to the fabric of the world."[94] Israel thus had "something like a natural morality, seen as rooted in the order of the world;"[95] this order is especially reflected in texts traditionally labelled "wisdom."[96]

Barton is cautious in detailing too specifically the precise origin of these ethical requirements or laws. In discussing lists of ethical requirements found in the psalms and elsewhere, he observes:

> My own sense is that there is no consensus on the origin and character of ethical lists. The function of lists in human culture is a complex one that deserves to be more studied. Given that our only evidence for the use of ethical lists in ancient Israel is in the Old Testament, itself a literary text, and related literature, we should probably not speculate much about an original *Sitz im Leben* but simply accept that somehow, in Israelite society, people became aware of these epitomes of good and bad human conduct.[97]

This is wise, but based on what he and others say, these epitomes are likely part of shared ancient Near Eastern tradition. These supplement in a significant fashion "a divine command ethic"[98] found in biblical laws in their current narrative contexts, which is usually over-emphasized when discussing biblical law and ethics.

---

[88] Barton, *Ethics in Ancient Israel*; cf. his helpful comment in "Sin and Psalms," 57: "Various theories of ethical obligation and its source are not worked out consistently in the Old Testament, and the Psalms at most hint at more theoretical thinking." I would like to thank John for several very fruitful email exchanges while I was writing this article.

[89] Barton, *Ethics in Ancient Israel*, 15.

[90] Barton, *Ethics in Ancient Israel*, 16, 36–37.

[91] Barton, *Ethics in Ancient Israel*, 84 and passim.

[92] Barton, *Ethics in Ancient Israel*, 92.

[93] Barton, *Ethics in Ancient Israel*, 94.

[94] Barton, *Ethics in Ancient Israel*, 95.

[95] Barton, *Ethics in Ancient Israel*, 100.

[96] Barton, *Ethics in Ancient Israel*, 111–16.

[97] Barton, *Ethics in Ancient Israel*, 239.

[98] Barton, *Ethics in Ancient Israel*, 274.

V. Conclusion

My hope is that this tentative and preliminary study will spur others to look more deeply into the question of what various psalmists believed to be the origin of the legal norms that they assumed. At a minimum, I do not think that the popular tacit assumption that it was the legal corpora of the Pentateuch should be upheld. Much more research needs to be done on the perceived sources of ethics in Israel – and here it is important to remember that the Israelites also expected non-Israelites, to whom no law was revealed, to uphold certain basic ethical standards. But how or when might have the ancient Israelites thought their neighbors to have derived such standards?[99] It is likely that the broader understanding of wisdom as a concept rather than a genre is a useful point of departure for exploring this idea.

Bibliography

Adler, Yonatan. *The Origins of Judaism: An Archaeological-Historical Reappraisal*. Anchor Yale Bible Reference Library. New Haven: Yale University Press, 2022.

Baden, Joel S. "The Transformation of the Decalogue into Law and Covenant." *MAARAV* 24 (2020): 63–73.

Barmash, Pamela, ed. *The Oxford Handbook of Biblical Law*. New York: Oxford University Press, 2019.

Barton, John. *Amos's Oracles against the Nations: A study of Amos 1.3–2.5*. Vol. 6 of Society for Old Testament Study Monograph Series. Cambridge: Cambridge University Press, 1980.

–. *Understanding Old Testament Ethics: Approaches and Explorations*. Louisville: Westminster John Knox, 2003.

–. *Ethics in Ancient Israel*. New York: Oxford University Press, 2014.

–. "Sin in the Psalms." *Studies in Christian Ethics* 28 (2015): 49–58.

Ben Zvi, Ehud. Review of *Torah in the Chronicler's Work: An Inquiry into the Chronicler's References to Laws, Festivals, and Cultic Institutions in Relationship to Pentateuchal Legislation*, by Judson Rayford Shaver. *JBL* 110 (1991): 718–20.

Berlejung, Angelika. "Sin and Punishment: The Ethics of Divine Justice and Retribution in Ancient Near Eastern and Old Testament Texts." *Interpretation* 69 (2015): 272–87.

Block, Daniel I. "The Decalogue in the Hebrew Scriptures." Pages 1–27 in *The Decalogue Through the Centuries: From the Hebrew Scriptures to Benedict XVI*. Edited by Jeffrey P. Greenman and Timothy Larsen. Louisville: Westminster John Knox, 2012.

Brettler, Marc Zvi. "Women and Psalms: Toward an Understanding of the Role of Women's Prayer in the Israelite Cult." Pages 23–56 in *Gender and Law in the Hebrew Bible and the Ancient Near East*. Edited by Bernard F. Levenson, Victor H. Matthews, and Tikva

[99] See, e.g., the treatment of these in Barton, *Amos's Oracles Against the Nations*; note especially his term "international customary law."

Frymer-Kensky. The Library of Hebrew Bible/Old Testament Studies 262. Sheffield: Sheffield Academic Press, 1998.
–. "The Poet as Historian: The Plague Tradition in Psalm 105." Pages 19–28 in *Bringing the Hidden to Light: The Process of Interpretation – Studies in Honor of Stephen A. Geller*. Edited by Kathryn F. Kravitz and Diane M. Sharon. Winona Lake, IN: Eisenbrauns, 2007.
–. "Those Who Pray Together Stay Together: The Role of Late Psalms in Creating Identity." Pages 277–304 in *Functions of Psalms and Prayers in the Late Second Temple Period*. Edited by Mika S. Pajunen and Jeremy Penner. Berlin, Boston: De Gruyter, 2017.
Brown, William P., ed. *The Oxford Handbook of the Psalms*. New York: Oxford University Press, 2014.
–. *Deep Calls to Deep: The Psalms in Dialogue amid Disruption*. Nashville: Abingdon Press, 2021.
Burt, Sean. "'Your Torah is My Delight': Repetition and the Poetics of Immanence in Psalm 119." *JBL* 137 (2018): 685–700.
Crenshaw, James L. *Old Testament Wisdom: An Introduction*. Atlanta: John Knox Press, 1981.
Dell, Katharine J. "'I Will Solve My Riddle to the Music of the Lyre' (Psalm XLIX 4 [5]): A Cultic Setting for Wisdom Psalms?" *Vetus Testamentum* 54 (2004): 445–58.
Fabry, Heinz-Josef and Félix García López. "תּוֹרָה *tôrâ*," *TDOT* 15:609–46.
Forti, Tova. "*Gattung* and *Sitz im Leben*: Methodological Vagueness in Defining Wisdom Psalms." Pages 205–20 in *Was There a Wisdom Tradition?: New Prospects in Israelite Wisdom Studies*. Edited by Mark R. Sneed. Atlanta: SBL Press, 2015.
Freedman, David Noel. *Psalm 119: The Exaltation of Torah*. Winona Lake, IN: Eisenbrauns, 1999.
Fried, Lisbeth S. *Ezra and the Law in History and Tradition*. Columbia, SC: University of South Carolina Press, 2014.
–. *Nehemiah*. Sheffield: Sheffield Phoenix, 2021.
Gerstenberger, Erhard S. "Non-Temple Psalms: The Cultic Setting Revisited." Pages 338–49 in *The Oxford Handbook of the Psalms*. Edited by William P. Brown. New York: Oxford University Press, 2014.
Goldingay, John. *Psalms*. Vol. 3. Baker Commentary on the Old Testament Wisdom and Psalms. Edited by Tremper Longman III. Grand Rapids: Baker Academic, 2008.
Gray, John. *1 and 2 Kings*. OTL. Louisville: Westminster John Knox, 1971.
Hossfeld, Frank-Lothar and Erich Zenger. *Psalms*. Vol. 2. Hermeneia. Edited by Klaus Baltzer. Translated by Linda M. Maloney. Minneapolis: Fortress, 2005.
Hurowitz, Victor Avigdor. "'For Instruction Shall Come Forth from Zion': Biblical and Mesopotamian Temples as Palaces of Justice." Pages 389–418 in *Current Issues in Priestly and Related Literature: The Legacy of Jacob Milgrom and Beyond*. Edited by Roy E. Gane and Ada Taggar-Cohen. Resources for Biblical Study. Atlanta: SBL Press, 2015.
Jackson, Bernard S. *Wisdom-Laws: A Study of the Mishpatim of Exodus 21:1–22:16*. New York: Oxford University Press, 2006.
Jacobson, Diane. "Wisdom Language in the Psalms." Pages 147–57 in *The Oxford Handbook of the Psalms*. Edited by William P. Brown. New York: Oxford University Press, 2014.
Japhet, Sara. "What May Be Learned from Ezra-Nehemiah about the Composition of the Pentateuch?" Pages 543–60 in *The Formation of the Pentateuch: Bridging the Academic*

Cultures of Europe, Israel, and North America. Edited by Jan C. Gertz et al. Tübingen: Mohr Siebeck, 2016.
–. *'Ezra-Neḥemyah: 'im mavo u-ferush*. Tel Aviv: *'Am 'oved*, 2019.
Kaminsky, Joel S. *Yet I Loved Jacob: Reclaiming the Biblical Concept of Election*. Nashville: Abingdon Press, 2007.
Kraus, Hans-Joachim. *Theology of the Psalms*. Continental Commentaries. Minneapolis: Fortress, 1992.
–. *Psalms*. Vol. 2. Continental Commentary. Minneapolis: Fortress, 1993.
Kulp, Joshua. Translation of Pirkei Avot, Sefaria. https://www.sefaria.org/Pirkei_Avot.4.9?lang=bi
Kwon, JiSeong J. and Seth A. Bledsoe, eds. *Between Wisdom and Torah: Discourses on Wisdom and Law in Second Temple Judaism*. Berlin: De Gruyter, 2023.
Kynes, Will. *An Obituary for "Wisdom Literature": The Birth, Death, and Intertextual Reintegration of a Biblical Corpus*. Oxford: Oxford University Press, 2019.
Legaspi, Michael C. *Wisdom in Classical and Biblical Tradition*. New York: Oxford University Press, 2018.
Lenzi, Alan. "'Counsels of Wisdom' as 'White-Collar' Wisdom in First Millennium Ancient Mesopotamia." Pages 60–69 in *Teaching Morality in Antiquity: Wisdom Texts, Oral Traditions, and Images*. Edited by Takayoshi M. Oshima. Orientalische Religionen in der Antike 29. Tübingen: Mohr Siebeck, 2018.
Leonard, Jeffery M. "Identifying Inner-Biblical Allusions: Psalm 78 as a Test Case." *JBL* 127 (2008): 241–65.
Levenson, Jon D. "The Sources of Torah: Psalm 119 and the Modes of Revelation in Second Temple Judaism." Pages 559–74 in *Ancient Israelite Religion*. Edited by Patrick D. Miller et al. Philadelphia: Fortress, 1987.
Magdalene, F. Rachel, and Bruce Wells. "Law in the Writings." Pages 485–95 in vol. 1 of *The Oxford Encyclopedia of the Bible and Law*. 2 vols. Edited by Brent A. Strawn. New York: Oxford University Press, 2015.
Mays, James Luther. "The Place of the Torah-Psalms in the Psalter." *JBL* 106 (1987): 3–12.
Miller, Patrick D. "The Place of the Decalogue in the Old Testament and Its Law." *Interpretation* 43 (1989): 229–42.
Nelson, Richard D. *Deuteronomy*. OTL. Louisville: Westminster John Knox, 2004.
Oshima, Takayoshi M. "Morality and the Minds of Gods: Divine Knowledge and Human Ignorance in Mesopotamian Prayers and Didactic Literature." *HeBAI* 6 (2017): 386–430.
Patrick, Dale. "Law in the OT." *NIDB* 3:602–14.
Perdue, Leo G. *Wisdom and Cult: A Critical Analysis of the Views of Cult in the Wisdom Literatures of Israel and the Ancient Near East*. SBLDS 30. Missoula, MT: Scholars Press, 1977.
Reiner, Erica. "*Lipšur* Litanies." *JNES* 15 (1956): 129–49.
–. 1958. *Šurpu: A Collection of Sumerian and Akkadian Incantations*. Archiv für Orientforschung Beiheft 11. Graz: Im Selbstverlage des Herausgebers.
Reynolds, Kent Aaron. *Torah as Teacher: The Exemplary Torah Student in Psalm 119*. Leiden: Brill, 2010.
Saur, Markus. "Where Can Wisdom Be Found: New Perspectives on the Wisdom Psalms." Pages 181–204 in *Was There a Wisdom Tradition?: New Prospects in Israelite Wisdom Studies*. Edited by Mark R. Sneed. Atlanta: SBL Press, 2015.
Schmid, Konrad. *The Scribes of the Torah: The Formation of the Pentateuch in its Literary and Historical Contexts*. Ancient Israel and Its Literature. Atlanta: SBL Press, 2023.

Shaver, Judson Rayford. *Torah and the Chronicler's History Work: An Inquiry into the Chronicler's References to Laws, Festivals, and Cultic Institutions in Relationship to Pentateuchal Legislation*. Atlanta: Scholars Press, 1989.

Smith, Morton. "The Common Theology of the Ancient Near East." *JBL* 71 (1952): 135–47.

Sneed, Mark R., ed. *Was There a Wisdom Tradition?: New Prospects in Israelite Wisdom Studies*. Atlanta: SBL Press, 2015.

Sommer, Benjamin. "Psalm 1 and the Canonical Shaping of Jewish Scripture." Pages 199–221 in *Jewish Bible Theology: Perspectives and Case Studies*. Edited by Isaac Kalimi. Winona Lake, IN: Eisenbrauns, 2012.

Sparks, Kent. Review of *The King as Exemplar: The Function of Deuteronomy's Kingship Law in the Shaping of the Book of Psalms*, by Jamie A. Grant. *JNES* 67 (2008): 305–7.

Steinsaltz, Adin. Translation of Menachot 110a, Sefaria. https://www.sefaria.org/Menachot.110a.11?lang=bi

Tov, Emanuel. *Textual Criticism of the Hebrew Bible*. 3rd ed., rev. and exp. Minneapolis: Fortress, 2012.

Van der Toorn, Karel. *Sin and Sanction in Israel and Mesopotamia: A Comparative Study*. Assen: Van Gorcum, 1985.

–. "Before the Decalogue: In Search of the Oldest Written Torah." *CBQ* 85 (2023): 385–401.

Westbrook, Raymond and Bruce Wells. *Everyday Law in Biblical Israel: An Introduction*. Louisville: Westminster John Knox, 2009.

Wright, David P. *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi*. Oxford: Oxford University Press, 2009.

Zevit, Ziony, ed. *Subtle Citation, Allusion, and Translation in the Hebrew Bible*. Sheffield, Bristol: Equinox, 2017.

Identifying the Form of Enslavement in Exodus 21:20–21

Bruce Wells

What kind of slave is the law in Exod 21:20–21 referring to?[1] Is it a chattel-slave or a debt-slave? Many general readers of the Bible, including many well-educated readers, assume that the text refers to a chattel-slave. A recent article in the *Journal of the American Academy of Religion* makes this assumption as part of its larger effort to disparage a popular evangelical translation of the Bible, the English Standard Version (ESV), by showing how it "re-translat[ed] lexically ambiguous terms … to obviate the Bible's ostensible promotion of slavery."[2] One of the "lexically ambiguous" terms that the author, Samuel L. Perry, has in mind is עבד. Admittedly, the word has a semantic range that extends beyond a single denotation, since it can identify distinct legal statuses such as, at the very least, those of debt-slave and chattel-slave. But Perry does not see any ambiguity whatsoever in the use of עבד in Exodus 21. He uses this part of the Covenant Code (CC) to support his claim that the 2011 edition of the ESV, in a disingenuous attempt to burnish the Bible's image, tries to distance the Bible from the horrors that American readers might imagine when they think of slavery. He points in particular to this footnote that accompanies the word "slave" in Exod 21:2: "Or *servant*; the Hebrew term *'ebed* designates a range of social and economic roles; also verses 5, 6, 7, 20, 21, 26, 27, 32 (see Preface)."[3] Perry comments as follows:

> Although the context quite clearly demands that *'ebed* be translated "slave," the effect of the footnote pointing to a softer, less permanent term "servant," as well as referring to the Preface where readers are reminded about the incongruence between biblical slavery and American slavery, is ultimately intended to subtly head off uncharitable interpretations of Exodus 21.[4]

---

[1] When Professor Wright and I first discovered our mutual interest in biblical and ancient Near Eastern law, we also discovered that we disagreed on certain key issues. Nevertheless, he has never been anything other than unfailingly kind, open-minded, and supportive – well beyond any reasonable expectation. It is, indeed, a wonderful privilege to be able to participate in honoring his scholarship and career.

[2] Perry, "Whitewashing Evangelical Scripture," 612.

[3] Perry, "Whitewashing Evangelical Scripture," 625.

[4] Perry, "Whitewashing Evangelical Scripture," For recent scholarship establishing that the male "slave" in Exod 21:2 should actually be understood as a debt-slave, see Chirichigno, *Debt-Slavery*, 182–84; Otto, Review of John Van Seters; Jackson, *Wisdom-Laws*, 80–85; Fischer and

While it remains a mystery how Perry has divined the ultimate intentions of the ESV translation and editorial team, his own reading of Exodus 21 seems misguided. He does not acknowledge any distinction between debt-slavery and chattel-slavery, and he simply takes for granted that chattel-slavery is the only option for understanding what CC's authors had in mind when they make use of עבד.[5] As we will see, the debate regarding which type is at issue in Exodus 21 and especially in Exod 21:20–21 is ongoing. To my mind, this suggests that the ESV's footnote is an appropriate caveat. To be sure, scholars in biblical and ancient Near Eastern studies regularly employ the term "debt-*slave*" rather than "bond *servant*" or "indentured *servant*," but the latter would not be altogether inapt for rendering עבד in some contexts, including those where the referent is a debt-slave. Moreover, the ESV is certainly right to note that the term can identify multiple socioeconomic statuses.

As part of his remarkably detailed study of the Covenant Code in Exodus 20–23, David P. Wright produced several noteworthy findings in his analysis of the law in Exod 21:20–21.[6] His exegesis brings to light how the passage reflects ancient Israel's more simplified set of social strata, what various legal traditions likely influenced its composition, and how we might understand the social-legal context of the rule. He also presents one of the most creative solutions to the dilemma concerning the type of enslavement at issue in the law. I hope that the manner in which I disagree with him below shows how much I respect his scholarship. It has stimulated my own thinking on biblical law in ways that I could not have predicted but have long since come to appreciate, and its coverage of secondary

---

Markl, *Das Buch Exodus*, 245–47; Greengus, *Laws in the Bible*, 86–94; and Barmash, "The Daughter Sold."

[5] Perry believes that the types of activities that occur with "slaves" in Exodus 21 are "redolent of American chattel slavery" ("Whitewashing Evangelical Scripture," 624). He notes that these activities include purchasing slaves, giving them wives, and retaining ownership of these wives and any offspring in certain situations. But such activities also took place with debt-slaves and even with pledges (a non-slave status; see below) and were, therefore, not reserved exclusively for chattel-slaves (see Wells, "What Is Biblical Law?" 233–36). Perry also misunderstands what the ESV does in Josh 16:10. The RSV, which the ESV is based on to some degree, says that the Canaanites who were still in the land "have become slaves to do forced labor." Perry critiques the ESV for changing this to say "have been made to do forced labor," dropping the word "slaves." But he overlooks several things. First, the NRSV, which was also intended to update the RSV and was created well before the ESV, has the exact same translation as the ESV. One could surmise that the ESV was just following the NRSV, which could hardly be considered an evangelical translation. Second, the noun עבד (*ʿebed*) is not actually in Josh 16:10; the terminology is למס עבד (*ləmas ʿōbēd*), with the participial form of the verbal root עב״ד rather than the noun. The verb form does not always indicate a form of slavery, although it certainly can have that connotation. Third, the expression למס עבד (*ləmas ʿōbēd*) also occurs in 1 Kgs 9:21, and the ESV uses the term "slaves" there in its translation. If the ESV translation team were trying to write slavery out of the Bible as much as possible, why did they not exclude the word from that text? Perry's evaluation of the ESV on this point could have been much more balanced than it is.

[6] Wright, *Inventing God's Law*, 169–74.

literature is a model of in-depth engagement and judicious reasoning. If a reader like Perry had consulted Wright's scholarship on CC, he would have easily discovered the best interpretive alternatives that academic research on this text have thus far made available. Where I disagree with Wright is on his claim that both chattel-slaves and debt-slaves are covered by Exod 21:20–21. I argue that the law restricts its focus to debt-slaves and conclude that the meaning of עבד is similarly restricted throughout most of CC.[7]

I. The PKOS Text

I begin with my translation of the passage, which I label as the "Potential Killing of a Slave" text – or the PKOS text, for short.

"If a man strikes his male slave or his female slave with the rod, and he dies by his hand, he shall surely be avenged. But if he stands for a day or two, he shall not be avenged; for he is his silver."

Even on the surface level, the PKOS text presents several enigmas. An איש, a free citizen and head-of-household, takes action directed toward an עבד or an אמה. Because biblical Hebrew does not distinguish terminologically between chattel-slavery and other forms of enslavement, these terms can refer to multiple types. The action itself comes with the word נכה, a term that is ambiguous as to whether it means to strike someone fatally.[8] Thus, the law envisions the possibility that a male head-of-household strikes – with a rod or staff of some kind – his male or female slave (of a yet-to-be-determined type) in a way that might kill the slave but also might not. It is also hard to know whether the striking is a single blow or more like a beating. The PKOS text goes on to say that, if the slave does indeed die from the blow, then the slave should be avenged (נקם ינקם), though we are not told exactly how. If the slave does not die but is able to "stand" (עמ״ד) for "a day or two" (יום או יומים), then the slave shall not be avenged. I take this to mean that, should the slave appear to have recovered sufficiently to cast reasonable doubt on the "striking" as the cause of the slave's eventual death, then the kind of vengeance referred to in v. 20 is not allowed.[9] The reason given is that the slave

[7] I take this last part of the argument from Greengus, *Laws in the Bible*, 122–28.

[8] For a non-fatal strike, see 1 Kgs 22:24; for a fatal one, see Exod 2:12.

[9] Ludger Schwienhorst-Schönberger (*Bundesbuch*, 64–67) holds that the verb עמ״ד in this context means for the slave actually to return to work, and I find his claim convincing. In Neh 12:44 and 1 Chr 6:17–18, the word occurs, as it does here in Exodus 21, without an explanatory prepositional phrase and refers to performing service (albeit cultic service in the later texts). Also, its participial form appears in parallel with the noun עבד in Pss 134:1 and 135:1–2; the implication is that עמ״ד can denote the same sort of activity as the noun עבד. Schwienhorst-Schönberger goes on to argue that Exod 21:21 is meant to protect the creditor from false accusations of murder coming from the family of the debt-slave: "Wenn es aber durchaus häufiger

is the man's "silver" (כי כספו הוא).[10] Several other perplexities bedevil the law at a deeper level. It will be instructive to examine the broader ancient Near Eastern legal and cultural context before attempting to settle these issues.

II. Servile Conditions in the Ancient Near East

Any engagement with this or other texts that claim to deal with "slaves" has to take into account how various servile conditions were effected and governed throughout the ancient Near East.[11] Scholarship in this area has identified these conditions in different ways, but a useful taxonomy can be obtained by differentiating between these four categories: possessory pledge, distrainee, debt-slave, and chattel-slave.[12] Each of these categories can be broken down into smaller divisions, based on how a person enters the status in question or how one might be released from that status. But, for now, I wish to define these basic categories and, only when necessary, to consider additional distinctions that might prove useful. It should first be noted, however, that the use of the term "slave" in this discussion indicates the legality of transferring the person so designated from one owner to another, usually through sale but also by other means such as making the person part of an inheritance share.[13] At times, there are restrictions on which owners a "slave" may be transferred to, but I will avoid the term "slave" when describing servile conditions that do not allow for such transfer.[14]

---

vorkam, daß ein Schuldsklave von seinem Herrn geschlagen wurde, dann konnte auch ein natürlicher Tod des Schuldsklaven von den Angehörigen des Schuldsklaven auf eine Züchtigung durch seinen Herrn zurückgeführt und die Institution der Blutrache gegen den Herrn in Anspruch genommen werden" (Schwienhorst-Schönberger, *Bundesbuch*, 64). Thus, v. 20 and v. 21 form a case and counter-case, with the former offering protection to the debt-slave and the latter to the creditor. If the debt-slave can return to working for a day or two, regardless of how long the debt-slave may have needed to recover from the beating, then the causal connection between the beating and the death can be called into question. For the view that עמ״ד means to (barely) survive, see Propp, *Exodus 19–40*, 220. For other literature on the issue, see Wright, *Inventing God's Law*, 429 n71.

[10] My interpretation of this final statement in the law is that, even though the slave died in the owner's custody, the owner cannot be prosecuted because the slave was there legally – representing the funds that the owner had handed over (in whatever manner – payment, loan, etc.) in order to acquire the slave.

[11] Some might count wife, son, and daughter as constituting servile conditions as well. But it is better to refer to such family members as free but unemancipated rather than on the level of a slave of any kind. See Wunsch and Magdalene, "Freedom and Dependency."

[12] According to Hans Neumann, who cites more than a dozen studies, "slavery never played a dominant role in the production spheres of ancient Near Eastern cultures" ("Slavery," 21). He also points out that most of the slave labor that we know about took place in private households rather than in connection with the major institutions of the palace and temple (ibid.).

[13] Neumann notes that they can be "verkauft, vermietet, verpfändet, verschenkt und vererbt" ("Bemerkungen," 224).

[14] There is a continuing debate regarding how to define slavery. Recent scholarship has

II.1 Pledge

In the ancient Near East, a possessory pledge could be a person or a piece of property that serves as security/collateral for the repayment of a debt.[15] I will address, here, only the issue of a person as a possessory pledge. Such a person would be transferred to the possession of a lender at the moment when the lender makes a loan to a borrower. The person is not owned by the lender but is in the latter's possession for the duration of the loan. During that time, the pledge would be put to work by the lender, who would seek to profit from the pledge's labor as much as possible. Should the debtor default and fail to repay the loan by the specified deadline, the lender would typically become the lawful owner of the pledge, who would, at this point, be considered a debt-slave rather than a pledge.[16] Up until this moment, the lender would not be allowed to sell or transfer the pledge because he does not own the person prior to default. After default, however, the lender may sell the former pledge if he so chooses, having acquired ownership as well as possession.[17] Even though the physical circumstances of the person in question might change very little when the transition in status from pledge to debt-slave occurs, the rules that apply to the new status are distinct.

II.2 Distrainee

A distrainee is like a pledge in that the person being distrained is not a slave and cannot be sold or alienated by the lender.[18] On the other hand, a distrainee enters into the lender's possession by very different means. A possessory pledge is transferred into a lender's possession by virtue of a contractual agreement and, as noted, comes under the lender's authority as soon as the loan is disbursed. In

---

shown that defining slaves simply in terms of property is inadequate for several reasons. One of the most significant is that, in societies that allowed for enslavement, slaves could be legally punished as a subject of the law, whereas inanimate property would not have been treated in this way. For the broader discussion, see O'Connell Davidson, *Modern Slavery*, 36–54; cf. Dandamaev, *Slavery in Babylonia*, 67–80. The picture from the ancient Near East is also complicated by the nature of our sources: "Economic treatises and legal codes presented slaves as chattel, while documents pertaining to daily life contradict this image and offer a more complex picture of slavery in Near Eastern societies" (Culbertson, "Slaves and Households," 2).

[15] For a fuller discussion of the nature of pledges, see Westbrook and Wells, *Everyday Law*, 112–16. Besides the possessory pledge, the other main type was what can be called a hypothecary pledge, which usually took the form of property rather than a person. Such a pledge did not enter the possession of the lender right away but was identified as the collateral that the lender could confiscate in case of default (Westbrook and Wells, *Everyday Law*, 113–14).

[16] Exactly how and when a pledge entered the ownership of the creditor could vary at times; see Oelsner, Wunsch, and Wells, "Neo-Babylonian Period," 952–53.

[17] See the discussion in Radner, "Neo-Assyrian Period," 269–71, esp. 271.

[18] Westbrook, "Slave and Master," 169. The primary terminology for distraint is the verb *nepû* (*CAD* N/2 s. v. nepû a and b-2′) and the noun *nipûtu* (*CAD* N/2 s. v. nipûtu a). Property could also be seized as an act of distraint.

contrast, the practice of distraint involves the lender seizing – more or less by force – a member of the debtor's household and taking that person back to his (the lender's) household and into his possession. The moment at which distraint is allowed is the moment of default. If a borrower has not repaid a loan on time, one of the lender's options is to take a distrainee and, in all likelihood, treat the person poorly so as to put pressure on the borrower to pay off the debt or reach a new agreement with the lender.

Paragraphs 115–16 in the Laws of Hammurabi (LH) appear to suggest that it was generally expected for lenders to ill-treat a distrainee.[19] The paragraphs form a contrasting pair in that the first considers what to do should the distrainee die of natural causes in the lender's house, while the second assumes that the lender beats the distrainee to death.[20] If some abuse on the part of the lender were not anticipated, it seems unlikely that the principle articulated in LH 116 would even be needed. According to LH 115, in the event of a natural death, no legal action can be taken. Should death come at the hands of the lender, though, LH 116 states that the distrainee's "owner" (father or head-of-household) is to bring formal charges against the lender. We might expect the remedy to include the execution of the lender for having killed the person in his custody, but the talionic principle, an important factor in ancient Near Eastern legal reasoning, prevents this, since the distrainee was not the debtor himself but, instead, a member of his household.[21] Thus, what LH 116 prescribes is that, if the distrainee was the debtor's son, then the son of the lender should be put to death – son for son. The tragedy that befell the one household now has to be mirrored in the punishment imposed on the other. If the distrainee had been one of the debtor's slaves, then the penalty is a monetary fine – property for property.

II.3 Debt-Slave

A person could become a debt-slave in at least three different ways. The most obvious comes when the head of a household defaults on a loan, and either that head-of-household or a member of his family enters into the possession of the lender as a debt-slave. Across the ancient Near Eastern sources from different time periods and regions, it seems to have been important to make clear that

[19] See also LH 114 for a situation in which a distraint is taken when there is no legitimate claim against the distrainee's head-of-household.

[20] The wording in LH 115, *nipûtum ina bīt nēpīša ina šīmātīša imtūt*, indicates a natural death. A fairly literal translation would be, "The distrainee (grammatically feminine) has died according to her fate in the house of her distrainer." See *CAD* Š/3 s.v. šīmtu 3g.

[21] I classify the type of talion presented in this provision as reflective talion, based on the different types defined in Jacobs, *Body as Property*, 68–69. Even the gods were bound to some extent by the talionic principle (Jacobs, *Body as Property*, 81). For a contrasting view on the issue, see Barmash, *Homicide*, 159–76; she argues that talion was more strictly followed in biblical than in cuneiform law, especially in dealing with homicide.

debt-slaves who entered their new servile status due to default on a debt did so of their own free will or that of their head-of-household.[22] Since such a voluntary change of status would have required the existence of a contract, we can say that debt-slaves became the possession of the lender by virtue of contract (like a pledge) and not by force (like a distrainee).[23] In fact, the loan contract could specify the precise family member who would become a debt-slave should a default occur. Following the default and the transfer of the debt-slave, it was always possible to enact redemption – that is, to retrieve the family member from the lender's possession by buying him or her back; this simply meant paying off the debt and any necessary interest.[24] While this may sound straightforward in theory, it could be an insurmountable task for the family to find the resources they would need, and this could mean an indefinite period of debt-slavery for the individual now under the lender's authority. Ancient Near Eastern societies appear to have been aware of this potentiality and established certain ways by which the term of debt-slaves could be brought to an end. It should be noted, though, that because the status was that of a slave, lenders could sell debt-slaves to other owners. What they could not do was to sell them abroad or to a foreigner who might take them abroad and thereby eliminate for all practical purposes the opportunity of redemption. In short, the lender could not take any actions that might vitiate the family's right to redeem the debt-slave.[25]

Criminal penalties provided a second means by which someone could become a debt-slave. While these individuals did not enter debt-slavery of their own volition, they did so by virtue of a court-approved action, which could always override an individual's own volition. In certain cases of theft, for example, monetary fines could be imposed on those convicted thereof. If they could not pay the fine demanded of them, then the victim's family could "take the culprit or members of his family … into servitude."[26] Those so taken would be considered debt-slaves with the amount of the fine being analogous to the amount of a debt. Redemption would then be possible if the family were able to secure the funds necessary to pay the amount of the fine. The victim's family might wish instead to sell the thief to recoup as many of their losses as they could through such a sale; this is the precise remedy provided in CC when the thief cannot pay the required fine (Exod 21:37 [Eng. 22:1]). Some aspects of this process of entering into debt-

[22] A statement to the effect that the debt-slave enters into servitude of his or her own free will can be included even in contracts where the one becoming a debt-slave is a very young child; see Arnaud Emar 6 nos. 83, 205, and 217. It should be noted, however, that the frequency of debt-slavery appears to decrease significantly in the Neo-Babylonian period (Oelsner, Wunsch, and Wells, "Neo-Babylonian Period," 929).

[23] Westbrook, "Slave and Master," 175–76.

[24] Frymer-Kensky, "Israel," 258–60.

[25] Westbrook, "Slave and Master," 198–99.

[26] Westbrook, "Slave and Master," 169.

slavery as the result of a criminal act hinge on the meaning of the Akkadian term *kiššātu*, the connotation of which is not always clear. In some texts, the convicted individual makes a payment that is referred to by this term; in others, he is handed over *ana kiššātim* ("for a penalty") to the victim's family immediately upon a guilty verdict.[27] Presumably, he could also hand over someone from his family in his stead. LH 117 speaks of a man who gives one of his family members either *ana kaspim* ("for silver," i. e., for a debt) or *ana kiššātim* ("for a penalty") and stipulates what the limits of their servitude should be. In any event, the commission of a crime, particularly theft, could lead to a servile condition that constitutes the equivalent of debt-slavery.[28]

The final form of debt-slavery can be called famine-slavery. This occurs when a head-of-household sells himself or members of his family to someone else simply to obtain food or silver to buy food in an attempt to keep himself and his family alive.[29] If a father sells one or more of his children, it seems reasonable to suppose that the amount of silver paid to the father functions as the amount of a debt. To retrieve his children from servitude, this is the sum that he would have to repay. In some cases, when individuals sell themselves out of desperation for food, no amount is listed, and it remains unclear exactly how they could be redeemed from their enslavement. The contract establishing the terms of the slavery could state what was required, and the most frequent condition given was the provision of a substitute who could serve in the debt-slave's place.[30] Exorbitant demands were also possible, with ten slaves being required in one contract for a man to free his son.[31] It is more than evident that those with means often took advantage of the desperation of others to secure for themselves a long-term laborer who was now under their authority and had to serve at their behest.

II.4 Chattel-Slave

The means by which a person became a chattel-slave differed from those just discussed. One could become a chattel-slave by being born to parents who were also chattel-slaves or to a woman who was a chattel-slave and had been impregnated

[27] See Westbrook, "ziz$_2$.da / *kiššātum*."

[28] Westbrook does not consider the imposition of enslavement as a criminal penalty always to effect true debt-slavery, though his remarks on this point are somewhat ambiguous. He distinguishes *kiššātu* from debt-slavery (Westbrook, "Slave and Master," 169–70), for example, but he then discusses, under the category of debt-slavery, several cases where the enslavement of either the perpetrator of a serious crime or members of his family is the punishment meted out (ibid., 177–78). The term *kiššātu* does not occur in reference to the latter instances, and Westbrook seems to confine the practice of *kiššātu* to minor offenses, while allowing debt-slavery to be a punishment for more serious ones. It seems to me that this distinction is unnecessary, and that is why I have included cases of *kiššātu* within my discussion of debt-slavery.

[29] See Zaccagnini, "War and Famine."

[30] Paragraph 172 of the Hittite Laws lists the same requirement.

[31] Greenberg, *The Ḫab/piru*, no. 46.

by her male owner. Another common way by which one became a chattel-slave was to be captured in war. Kings claimed many of the captives taken in this way for their own use, but private individuals could also claim captured persons for themselves.[32] On some occasions, parents abandoned children in public places, and others could take the children, if they wished, and "turn them into slaves or adopt them."[33] In addition, persons could be kidnapped and then taken or sold abroad as a chattel-slave. While in a foreign land, they had no legal recourse and were essentially without any means at all of reversing their enslavement. All of these means are involuntary ways of becoming a chattel-slave, and such enslavement was typically reserved for foreigners. Legal provisions prevented the involuntary enslavement of citizens, the one exception being enslavement as a criminal penalty – but even that was for debt-slavery, not chattel-slavery. Unlike debt-slaves, chattel-slaves could be sold anywhere and to anyone, since no right of redemption existed in their case.[34]

III. The Slave in the PKOS Text

III.1 Conflation of Types

Scholars have offered a variety of opinions regarding what kind of slave is at issue in the PKOS law. Some say it has only to do with chattel-slaves,[35] some say only debt-slaves,[36] and some say that both types are in view.[37] Wright holds the last position but does so in a way that renders his interpretation unique. According to Wright, the PKOS law has an inherent tension in that the owner is punished in v. 20 for having killed his slave but is, surprisingly, let off the hook in v. 21 if

[32] See, e. g., *Camb.* 334 (= Strassmaier, *Inschriften von Cambyses*, no. 334; translated in Dandamaev, *Slavery in Babylonia*, 107).

[33] Dandamaev, *Slavery in Babylonia*, 103. See also Wunsch, "Findelkinder."

[34] It should also be noted that there are some contracts, unrelated to loans, that specify slavery for one of the parties should they fail to fulfill their end of the bargain. Some of the documents refer to a slave-mark or slave-hairstyle and, thus, may be indicating chattel-slavery as the punishment for breach of contract. Debt-slavery seems to be more apropos in other such records; see the discussion in Westbrook, "Slave and Master," 180–81.

[35] Chirichigno, *Debt-Slavery*, 165–69.

[36] Cardellini, *Sklaven-Gesetze*, 258–59, 268, who bases his view on the punishment called for in Exod 21:20 and the use of נקם ינקם; Schwienhorst-Schönberger, *Bundesbuch*, 62, who says that laws protecting the slaves themselves are about debt-slaves in contrast to Exod 21:32, which protects a slave's owner; Rothenbusch, *Rechtssammlung*, 298, whose position is similar to Cardellini's ("Ein fremdländischer Vollsklave hätte vermutlich auch keine 'Rächer'"); and Jackson, *Wisdom-Laws*, 249, who points to this law's connections to Exod 21:2–11 and 21:26–27 where debt-slaves are more clearly being referenced.

[37] Houtman, *Exodus*, 3:156, 181.

the slave should survive for only a day.[38] He maintains that the "leniency" toward the owner in v. 21 comes from the incorporation of "perspectives pertaining to chattel-slaves."[39] By this, he means that it is only in the case of a chattel-slave that an owner would go free should the slave remain alive for a day or two following a beating; he holds that the situation would be different were the owner to have beaten a debt-slave, in which case, we would expect some sort of real punishment to be imposed on the offending owner. For Wright, the section of LH that he believes CC's authors were consulting for the PKOS law – around LH 208 – would have drawn their attention to the laws there that explain how to handle bodily injuries to chattel-slaves. And the system presented in LH implies that, were an owner to kill "his slave, it would be his or her loss." Wright then continues, "This is why v. 21 does not require vengeance against the owner if the death of the slave is not immediate."[40]

This raises a problem for Wright, and he faces it head-on. Why does v. 20 clearly allude to punishment for the owner if the slave were to die immediately from the beating? Would not the notion that underlies v. 21 apply to v. 20 as well – meaning that there should not be any real punishment in v. 20 either? To explain the import of v. 20, Wright turns again to the influence of LH on CC. This influence comes not only from the laws around LH 208 but also from LH 115–16, the passage about how a lender might ill-treat a distrainee. Because Wright interprets the distrainee in LH 116 as a debt-slave, he concludes that the limitation on abuse found in LH 116 pushed the formulation of v. 20 in a particular direction.[41] Here is how he explains it.

> This principle [underlying v. 21] would lead one to expect that the owner should not be liable even if a chattel-slave died immediately from the beating. The stricture of verse 20 comes from the inclusion of the law about a debt-slave in LH 115–116 who is not called a *wardum* or *amtum*, but a *nipûtum*. In contrast to legislation about chattel-slaves, this Akkadian law describes and punishes a person's deadly abuse of his own debt-servant. CC accordingly prescribes vengeance when an owner beats and kills his slave the same day. A significant difference, however, is that LH places no time limit on the death of the debt-servant. Presumably, if the victim died a week later and the causation between beating and death was clear, the creditor would be punished. This source analysis helps answer

[38] Wright (*Inventing God's Law*, 171) believes that the mere survival of the slave is in view in v. 21, not a reasonable recovery as I asserted previously (see note 9 above).

[39] Wright, *Inventing God's Law*, 171.

[40] Wright, *Inventing God's Law*, 171. Wright also points to the last clause in the verse as support for this (ibid.). But the clause, "he is his silver," could just as easily refer to a debt-slave; see Greengus, *Laws in the Bible*, 125.

[41] He translates the term *nipûtu* in LH 116 as "debt-servant" (in LH 115, his translation is "the one to serve as a debt-servant"); see ibid., 170. He does not provide an argument to support this rendering. Propp (*Exodus 19–40*, 218) also presumes that *nipûtu* here means debt-slave. But Assyriologists have tended to interpret the term as a distrainee ("distress" in *CAD* N/2 s. v. nipûtu a; see Westbrook, "Slave and Master," 206; Roth, *Law Collections*, 103), and that is the meaning I assume for the word.

the question, Do verses 20–21 have in mind chattel-slaves or debt-slaves? The answer is yes. CC apparently includes both types of slave in the same law.[42]

Put differently, the PKOS text offers a type of compromise law. It applies principles from debt-slavery to v. 20 and principles from chattel-slavery to v. 21, but both types of slaves are covered by both verses. This means that, according to Wright, CC's authors are offering chattel-slaves a new kind of protection by punishing their owners should a beating lead to their immediate death (a punishment that would previously not have been imposed except in the case of debt-slaves) and slightly reducing the protection of debt-slaves by allowing their owners to go unpunished should a beating lead to their death in the days following the beating (a leniency toward owners that would not have previously been allowed except in the case of chattel-slaves). This is certainly a novel solution and grounded not only in Wright's assumptions about the connections between LH and CC but also in discernible features of the traditions and practices surrounding these types of slavery. That is, Wright's interpretation is reasonable and defensible.

III.2 Debt-Slave Only

Nevertheless, I disagree that CC's authors intended both debt-slaves and chattel-slaves to be covered by the PKOS law. Even if Wright is correct that v. 21 refers to mere survival on the part of the beaten slave as opposed to a return to some reasonable state of health (my view), I would still maintain that debt-slaves are the sole focus of the text. I offer three reasons for this claim. My arguments are based on how the institutions of debt-slavery and chattel-slavery were practiced and understood in the ancient Near East in general. It is possible that CC's authors sought to create a provision that called for something different, but that seems unlikely in this instance, as I seek to demonstrate below.

First, Wright and I agree that v. 20, which demands vengeance for the slave who dies directly from being struck by the owner, is the type of rule that would ordinarily apply to debt-slaves. Wright concedes that this is the case, in part, by noting that the inclusion of chattel-slaves in the law would bring about a protection for them that they did not previously have. But I do not see how chattel-slaves could be included in this rule, partly because the consequences for the owner are couched in terms of vengeance.[43] In such situations, the process to achieve the vengeance in question would usually be initiated by a family member – namely, the adult male relative who was closest to the victim in terms of family relations.[44] Chattel-slaves would seldom have anyone who could perform this role for them. As will be shown below, chattel-slaves were most often

[42] Wright, *Inventing*, 171–72.

[43] See, Cardellini, *"Sklaven"-Gesetze*, 258–59 (with earlier literature in note 70).

[44] On interpreting נקם ינקם as referring to this family-initiated process, see Jackson, *Wisdom-Laws*, 246–48.

foreigners in the land where they were held captive and thus separated, usually by a substantial distance, from their families and relatives.[45] Again, even as Wright implies, if the PKOS law consisted only of v. 20, we would assume the reference was strictly to debt-slaves, and no one would probably even suspect that CC's authors wanted this verse to apply to chattel-slaves as well.

Second, it is v. 21 that raises the possibility that chattel-slaves may be involved, because the owner appears to be treated much more gently there than we might expect if the strict focus on debt-slaves had continued from v. 20 into v. 21. But, in ancient Near Eastern legal literature – such as law collections and debt-cancellation decrees – the protections that are said to be granted to "slaves" are reserved exclusively for debt-slaves. One protection comes in limiting their time in servitude. Such limitations could be established through a general rule, as may be reflected in LH 117, or by a royal edict. In both cases, the limitations apply only to debt-slaves. LH 117 makes this explicit. When it comes to royal debt-cancellation edicts, all of the individuals who are freed by virtue of these cancellations are, indeed, debt-slaves.[46] The most that chattel-slaves could hope for from this kind of edict would be the opportunity to return back to their original place (household) of enslavement, in the event that they had been pledged or seized for a debt and thereby entered the possession of another household.[47] An additional protection for "slaves" had to do with the right of redemption, but this clearly applied only to debt-slaves. Women debt-slaves were also partially protected from sexual abuse in that some penalty was required of the lender for having sex with them, primarily because such an act was considered a violation of the rights of the man (her father or husband, in most instances) who would ordinarily have authority over her.[48] But no such protections obtained in the case of chattel-slaves.[49] Thus, the evidence supports the idea that any protections afforded to individuals labeled as "slaves" were reserved for debt-slaves, and this, in turn, points to the likelihood that the protection offered to an עבד and an אמה in the PKOS law is strictly for debt-slaves.

[45] Some have argued that, in such a situation, institutional authorities or the community would fulfill the role of the family for the chattel-slave (e. g., Chirichigno, *Debt-Slavery*, 166–69). But, in my view, Jackson (*Wisdom-Laws*, 246) has effectively countered this claim by showing that there is no reason to assume that chattel-slaves would be represented by the community in this way.

[46] Reid, "Children of Slaves," 17–18.

[47] See the discussion in Westbrook, "Slave and Master," 193–94.

[48] Case, "Inheritance Injunction," 201–4. See also Lev 19:20–22, where a sanction is imposed on a man who has sex with a שפחה, a woman who appears to be a debt-slave in this case. But the sanction (a guilt offering) is less severe than it might have been (i. e., death) since the woman did not hold free status at the time of the act; see Ellens, *Women in the Sex Texts*, 100–113.

[49] Westbrook, "Character," 43. See also Reid, "Children of Slaves," who provides important nuance concerning the potential protections that may have benefitted women debt-slaves.

But could the leniency shown toward the owner in v. 21 have applied in the case of debt-slaves? Would we not anticipate a more substantial punishment of the owner were a debt-slave to have died from the beating, even if it had taken a few days for the individual to succumb to their injuries? This is not necessarily the case. If a lender preferred repayment over making use of one or more debt-slaves, he could treat the latter poorly, as he might have done with a distrainee, in order to put pressure on the family to pay the debt.[50] Distrainees had a slightly higher status than debt-slaves because they had not yet taken on the legal status of "slave" of any type. But even distrainees might fear for their lives. LH 116 suggests that there were limits on their direct abuse, but it is unclear if and how these limits may also have applied to debt-slaves. Moreover, there is some evidence to suggest that distrainees could be neglected and left eventually to die on their own.[51] If this was the case for distrainees, then debt-slaves could find themselves in an even more precarious situation. It seems reasonable, therefore, to suppose that the PKOS law's approach fits fairly well with the standard traditions that applied to debt-slaves throughout the ancient Near East.

Third, in the ancient Near East, chattel-slaves were usually considered to be foreigners at the moment of their initial enslavement. The biblical law collections generally take pains to note when a given provision is referring to non-Israelites instead of Israelites or when they are referring to both.[52] Because the PKOS law gives no indication that it counts foreigners among the slaves it has in view, then it stands to reason that the slaves being dealt with in the law are native Israelites and, therefore, debt-slaves.[53] In fact, when measures such as debt-cancellation decrees were implemented for the sake of stimulating the economy or ameliorating the plight of the growing numbers of poor, the operating

[50] According to paragraph 44 in the Middle Assyrian Laws, tablet A, once a pledge has been converted to a debt-slave and is now owned by the creditor, the latter may "whip him, pluck out his hair, and slit and puncture his ears."

[51] See, e.g., UET 5 9, an Old Babylonian model letter used in scribal education (edited in Kraus, "Briefschreibübungen," 28). The writer tells the recipient that a third party claims to be owed 20 shekels of silver by the recipient and that this person has now distrained (*nepû*) the recipient's wife and daughter. The writer then says, "Come and free your wife and daughter before they die from being held in confinement." See also TCL 17 74 (published in Dossin, *Lettres*).

[52] This point was brought to my attention via a private communication from Jay Caballero, 27 July 2022.

[53] One could argue that, because Exod 21:2 refers specifically to "Hebrew" (עברי) slaves, only the text of Exod 21:2–11 has to do with debt-slaves and other laws in the Covenant Code are about chattel-slaves, since they do not include the term "Hebrew" to qualify the type of slave in question. Propp notes that one could also "argue that the reference to the 'Hebrew slave' in 21:2 covers all references to slaves in the following chapters" (*Exodus 19–40*, 188). I follow this latter view, primarily because, as just noted, biblical texts (e.g., Lev 25:39–55) typically specify when foreign, non-Israelite slaves are in view. Moreover, the use of נכרי in Exod 21:8 shows that CC's authors could have used that same term to modify עבד and אמה in other provisions. With its use of עברי, the beginning of CC has set the stage for an intra-Israelite discussion, and it was not necessary to repeat the word in subsequent provisions.

assumption was that "all native slaves were debt-slaves."[54] It was not impossible for a citizen to wind up as a chattel-slave, but it was far from the norm. For example, a citizen of a kingdom might be kidnapped, either by another citizen or by a foreign invader, and sold abroad as a chattel-slave. Once in a foreign land, the unfortunate citizen would have no rights and no legitimate means of redress. An Old Babylonian letter speaks of this very situation.[55] A Babylonian girl was sold abroad in Elam as a chattel-slave and then later purchased (presumably from an Elamite) by a Babylonian, who did not realize the child's land of origin. He brought the girl back to Babylonia, after which it was discovered that, since she was Babylonian, she should actually be considered a free citizen. Her new owner, of course, disputed the idea of freeing her, and this is what generated the surviving documentation about the incident.[56] Raymond Westbrook remarks:

> Foreigners in the ancient Near East were in a precarious situation. They had no legal rights outside of their own country or ethnic group unless they fell under the local rulers' protection. Even their lives were not safe. When the Egyptian envoy Wen-Amon was shipwrecked on Cyprus, the inhabitants sought to kill him, and he only saved himself by forcing his way through to the local ruler and claiming her protection.[57]

A Babylonian proverb also captures the potentially dangerous plight of a foreigner, when it says, "A resident alien in another city is a slave."[58] Thus, in theory and often in practice, chattel-slaves came from people deemed to be foreigners, and debt-slaves came from the native population.[59] If the PKOS law is speaking to Israelites about Israelite slaves, as I believe it is, then the only type of slave it would be referring to is a debt-slave.

Just over a decade ago, Samuel Greengus surveyed the relevant evidence from the ancient Near East and made what I believe is a compelling argument that the relationship between owners and chattel-slaves was essentially unregulated. His conclusion was that, "apart from the doubtful cases of Exod 21:20–21, 26–27, either in the Bible or in the ancient Near East, one finds no laws governing the treatment of one's own chattel slaves!"[60] If a legal provision addresses injury or maltreatment of a slave by someone other than his or her owner, then it may well be that the provision has to do with chattel-slaves. This seems to be the case with Exod 21:32, which considers what to do should a slave be gored by an ox belonging to someone other than the slave's owner. As many commentators have

[54] Westbrook, "Slave and Master," 172.
[55] AbB 6 80 (= Frankena, *Briefe*, 53)
[56] Releasing her would be in accordance with LH 280, which also addresses this situation.
[57] Westbrook, "Slave and Master," 171.
[58] *BWL* 259.
[59] In the Old Babylonian period, for example, chattel-slaves were often said to come from the north – i. e., Šubartu and Anatolia (Stol, "Sklave, Sklaverei," 567).
[60] Greengus, *Laws in the Bible*, 126.

noted, it seems most likely that this provision has chattel-slaves in view.[61] But, apart from that lone provision, the other slaves referred to in the Covenant Code should, as I see it, be understood as debt-slaves.

IV. Conclusion

The author of the *JAAR* article, mentioned at the outset, did not understand the full implications of the ESV's footnote and its attempt to convey that important qualifications may need to be attached to our understanding of the word "slave" when we read Exodus 21. To my way of thinking, the inclusion of this footnote does little to ward off uncharitable interpretations and, in fact, opens up the PKOS law to a potentially harsher critique than it might merit were it referring only to chattel-slaves. In the latter case, one could find some value in a law that punishes an owner for beating a chattel-slave to death. There is no evidence that societies outside of Israel and Judah would have imposed this kind of punishment. Chattel-slaves were simply at their owners' mercy, and for a biblical text to ameliorate the plight of a chattel-slave even in this small way would be remarkable. If, on the other hand, the PKOS text is referring only to debt-slaves, then v. 21 could be seen as all the more callous. According to this interpretation, owners who beat their chattel-slaves to death faced no consequences beyond the loss of their slaves.[62] The main incentive for owners not to do this came from their presumed desire not to lose their investment in the slave. As for debt-slaves, the threatened "vengeance" in v. 20 would have formed an additional incentive.

From our contemporary perspective, it took humanity several millennia too long to determine that human enslavement of any type was reprehensible and

[61] See, e. g., Schwienhorst-Schönberger, *Bundesbuch*, 142. Wright, again, says that both types of enslavement are addressed by this provision (*Inventing*, 172–73) and makes an interesting argument for this view. In the end, he sees Exod 21:2–11 as referring only to debt-slaves but the other relevant texts (21:20–21, 26–27, and 32) as referring to both debt-slaves and chattel-slaves (ibid., 173).

[62] Neumann ("Bemerkungen," 224) claims that ancient Near Eastern law did not allow owners to kill their slaves. He seems to be referring to debt- and chattel-slaves, since he mentions both types in the discussion leading up to this assertion. For support, he cites Isaac Mendelsohn (*Slavery*, 122–23), who bases his own supposition on LH 282. The rule, there, allows owners to cut off the ear of a slave (*wardum*) who declares that he is not a slave but whose claims are shown to be wrong. Mendelsohn argues that the law would not have specified a punishment if owners had really been allowed to punish chattel-slaves in whatever way they saw fit. Westbrook ("Old Babylonian Period," 383) makes the same argument but without citing Mendelsohn. LH 282 could well be referring to debt-slaves only, but, even if the referent is a chattel-slave, I do not see why the state could not restrict itself to regulating the consequences stemming from a dispute into which the state (via whatever authorities might handle the case) had to play an adjudicative role. Besides, slaves were allowed, at times, to contest their slave status in court (Dandamaev, *Slavery in Babylonia*, 429–37). Otherwise, owners could do with their chattel-slaves as they saw fit.

immoral. But it is worth acknowledging that, for the societies of the ancient Near East, it was inconceivable for life to be any other way. Still, there are points at which biblical texts call for approaches to slavery that stand out from what would be expected of an ancient Near Eastern law collection.[63] Those texts certainly deserve our attention as much as texts like the PKOS law that appear to be of a more ruthless bent. In any event, with both sets of rules, it is necessary to consider carefully all the options for interpreting biblical references to "slaves."

Bibliography

Arnaud, Daniel. *Recherches au pays d'Aštata, Emar VI*. Vol. 3: *Textes sumériens et accadiens*. Paris: Éditions Recherches sur les civilisations, 1986.

Barmash, Pamela. *Homicide in the Biblical World*. Cambridge: Cambridge University Press, 2005.

–. "The Daughter Sold into Slavery and Marriage." Pages 48–76 in *Sexuality and Law in the Torah*. Edited by Hilary Lipka and Bruce Wells. LHBOTS 675. London: Bloomsbury T&T Clark, 2020.

Cardellini, Innocenzo. *Die biblischen "Sklaven"-Gesetze im Lichte des keilschriftlichen Sklavenrechts: Ein Beitrag zur Tradition, Überlieferung und Redaktion der alttestamentlichen Rechtstexte*. BBB 55. Bonn: Hanstein, 1981.

Case, Megan L. "The Inheritance Injunction of Numbers 36: Zelophehad's Daughters and the Intersection of Ancestral Land and Sex Regulation." Pages 194–213 in *Sexuality and Law in the Torah*. Edited by Hilary Lipka and Bruce Wells. LHBOTS 675. London: Bloomsbury T&T Clark, 2020.

Chirichigno, Gregory C. *Debt-Slavery in Israel and the Ancient Near East*. JSOTSup 141. Sheffield: Sheffield Academic Press, 1993.

Culbertson, Laura "Slaves and Households in the Near East." Pages 1–17 in *Slaves and Households in the Near East*. Edited by Laura Culbertson. OIS 7. Chicago: The Oriental Institute of the University of Chicago, 2011.

Dandama(y)ev, Muhammad. *Slavery in Babylonia: From Nabopolassar to Alexander the Great (626–331 BC)*. Translated by V. Powell. Dekalb, IL.: Northern Illinois University Press, 1984.

Dossin, Georges. *Lettres de la première dynastie babylonienne*. 2 vols. TCL 17–18. Paris: Geuthner, 1933–1934.

Ellens, Deborah L. *Women in the Sex Texts of Leviticus and Deuteronomy: A Comparative Conceptual Analysis*. LHBOTS 458. London: T&T Clark, 2008.

Fischer, Georg, and Dominik Markl. *Das Buch Exodus*. NSKAT 2. Stuttgart: Katholisches Bibelwerk, 2009.

Frankena, Rintje. *Briefe aus dem Berliner Museum*. AbB 6. Leiden: Brill, 1974.

Frymer-Kensky, Tikva. "Israel." Pages 251–63 in *Security for Debt in Ancient Near Eastern Law*. Edited by Raymond Westbrook and Richard Jasnow. CHANE 9. Leiden: Brill, 2001.

[63] See, e.g., the extension of Sabbath rest to the עבד and אמה (Exod 20:10; Deut 5:14) and the prohibition on returning an עבד to his owner (Deut 23:16–17). See also Gesundheit, "Barmherzigkeit."

Gesundheit, Shimon. "Die 'Erfindung' der Barmherzigkeit im Alten Israel: Biblische und nachbiblische Perspektiven," *BZ* 63 (2019): 289–306.
Greenberg, Moshe. *The Ḫab/piru*. AOS 39. New Haven: American Oriental Society, 1955.
Greengus, Samuel. *Laws in the Bible and in Early Rabbinic Collections: The Legal Legacy of the Ancient Near East*. Eugene, OR: Cascade Books, 2011.
Houtman, Cornelis. *Exodus*. 3 vols. HCOT. Leuven: Peeters, 1993, 1996, 2000.
Jackson, Bernard S. *Wisdom-Laws: A Study of the Mishpatim of Exodus 21:1–22:16*. Oxford: Oxford University Press, 2006.
Jacobs, Sandra. *The Body as Property: Physical Disfigurement in Biblical Law*. LHBOTS 582. London: Bloomsbury T&T Clark, 2014.
Kraus, F. R. "Briefschreibübungen im Altbabylonischen Schulunterricht." *JEOL* 16 (1959): 16–39.
Lambert, Wilfred G. *Babylonian Wisdom Literature*. Oxford: Clarendon, 1960.
Mendelsohn, Isaac. *Slavery in the Ancient Near East: A Comparative Study of Slavery in Babylonia, Assyria, Syria, and Palestine, from the Middle of the Third Millennium to the End of the First Millennium*. New York: Oxford University Press, 1949.
Neumann, Hans. "Bemerkungen zur Freilassung von Sklaven im alten Mesopotamien gegen Ende des 3. Jahrtausends v. u. Z." *AoF* 16 (1989): 220–33.
–. "Slavery in Private Households toward the End of the Third Millennium B.C." Pages 21–32 in *Slaves and Households in the Near East*. Edited by Laura Culbertson. OIS 7. Chicago: The Oriental Institute of the University of Chicago, 2011.
O'Connell Davidson, Julia. *Modern Slavery: The Margins of Freedom*. New York: Palgrave Macmillan, 2015.
Oelsner, Joachim, Bruce Wells, and Cornelia Wunsch. "Neo-Babylonian Period." Pages 911–74 in *A History of Ancient Near Eastern Law*. Edited by Raymond Westbrook. 2 vols. HdO 72. Leiden: Brill, 2003.
Otto, Eckart. Review of John Van Seters, *A Law Book for the Diaspora: Revision in the Study of the Covenant Code*. *Review of Biblical Literature*, 10 July 2004, https://www.sblcentral.org/API/Reviews/3929_3801.pdf.
Perry, Samuel L. "Whitewashing Evangelical Scripture: The Case of Slavery and Antisemitism in the English Standard Version." *JAAR* 89 (2021): 612–43.
Propp, William H. C. *Exodus 19–40: A New Translation with Introduction and Commentary*. AB 2A. New York: Doubleday, 2006.
Radner, Karen. "The Neo-Assyrian Period." Pages 265–88 in *Security for Debt in Ancient Near Eastern Law*. Edited by Raymond Westbrook and Richard Jasnow. CHANE 9. Leiden: Brill, 2001.
Reid, John Nicholas. "The Children of Slaves in Early Mesopotamian Laws and Edicts." *RA* 111 (2017): 9–23.
Roth, Martha T. *Law Collections from Mesopotamia and Asia Minor*. 2d ed. SBLWAW 6. Atlanta: Scholars Press, 1997.
Rothenbusch, Rolf. *Die kasuistische Rechtssammlung im "Bundesbuch" (Ex 21,2–11.18–22,16) und ihr literarischer Kontext im Licht altorientalischer Parallelen*. AOAT 259. Münster: Ugarit-Verlag, 2000.
Schwienhorst-Schönberger, Ludger. *Das Bundesbuch (Ex. 20,22–23,33): Studien zu seiner Entstehung und Theologie*. BZAW 188. Berlin: de Gruyter, 1990.
Stol, Martin. "Sklave, Sklaverei: B. Altbabylonisch." Pages 564–71 in vol. 12 of *Reallexikon der Assyriologie*. Edited by Erich Ebeling et al. Berlin: de Gruyter, 1928–.

Strassmaier, J. N. *Inschriften von Cambyses, König von Babylon (529–521 v. Chr.)*. Babylonische Texte 8–9. Leipzig: Eduard Pfeiffer, 1890.

Wells, Bruce. "What Is Biblical Law? A Look at Pentateuchal Rules and Near Eastern Practice." *CBQ* 70 (2008): 223–43.

Westbrook, Raymond. "Introduction: The Character of Ancient Near Eastern Law." Pages 1–90 in *A History of Ancient Near Eastern Law*. Edited by Raymond Westbrook. 2 vols. HdO 72. Leiden: Brill, 2003.

Westbrook, Raymond. "Old Babylonian Period." Pages 361–430 in *A History of Ancient Near Eastern Law*. Edited by Raymond Westbrook. 2 vols. HdO 72. Leiden: Brill, 2003.

–. "Slave and Master in Ancient Near Eastern Law." Pages 161–216 in *Law from the Tigris to the Tiber: The Writings of Raymond Westbrook*. Vol. 1: *The Shared Tradition*. Edited by Bruce Wells and F. Rachel Magdalene. Winona Lake: Eisenbrauns, 2009.

–. "ziz$_2$.da / *kiššātum*." Pages 231–41 in *Law from the Tigris to the Tiber: The Writings of Raymond Westbrook*. Vol. 2: *Cuneiform and Biblical Sources*. Edited by Bruce Wells and F. Rachel Magdalene. Winona Lake: Eisenbrauns, 2009.

Westbrook, Raymond, and Bruce Wells. *Everyday Law in Biblical Israel: An Introduction*. Louisville: Westminster John Knox, 2009.

Wright, David P. *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi*. New York: Oxford University Press, 2009.

Wunsch, Cornelia. "Findelkinder und Adoption nach neubabylonischen Quellen." *AfO* 50 (2003–2004): 174–244.

Wunsch, Cornelia, and F. Rachel Magdalene. "Freedom and Dependency: Neo-Babylonian Manumission Documents with Oblation and Service Obligation." Pages 337–346 in *Extraction and Control: Studies in Honor of Matthew W. Stolper*. Edited by Michael Kozuh, Wouter F. M. Henkelman, Charles E. Jones, and Christopher Woods. SAOC 68: Chicago: The Oriental Institute of the University of Chicago, 2014.

Zaccagnini, Carlo. "War and Famine at Emar." *Or* 64 (1995): 92–109.

Elisha and the Bears

(2 Kings 2:23–25)

Madadh Richey*

"Vostre male fois vous parra / Certes, il vous en mescherra,
Que ja a vo fin n'avrés prestre. / De quel ordene volés vous estre
Qui rouge caperon avés?" / Li ours estoit si adolés
Qu'il ne li pot respondre mot.[1]

I.

In the received arrangement of the Elisha narratives, the man of god's second act following his inheritance of Elijah's prophetic mantle is to summon, from the forest, two she-bears, that they might maul forty-two members of a group of mocking youths.

(23) ויעל משם בית־אל והוא עלה בדרך ונערים קטנים יצאו מן־העיר ויתקלסו־בו ויאמרו לו עלה קרח
עלה קרח (24) ויפן אחריו ויראם ויקללם בשם יהוה ותצאנה שתים דבים מן־היער ותבקענה מהם
ארבעים ושני ילדים (25) וילך משם אל־הר הכרמל ומשם שב שמרון

(23) He went up from there to Bethel. As he was going up on the road, small lads came out from the city and mocked him, saying to him "Go on, baldy! Go on, baldy!" (24) He turned around, saw them, and cursed them in the name of YHWH. Then, two she-bears[2] came out from the forest, and they mauled forty-two of the children. (25) So he went on from there to Mount Carmel, and from there he returned to Samaria.

This passage strikes many readers as odd, for a number of reasons.[3] First, although both Elisha and his predecessor Elijah can be a bit prickly, their outbursts are generally directed against religious and political antagonists, of whom

* This essay is offered with gratitude to David Wright, who has done much to welcome me to Brandeis University in my first years here. I hope that he will enjoy this short piece about bears, who are becoming more and more our New England neighbors.

[1] Strubel et al., *Roman de Renart*, 20 (Branch Ia, ll. 701–7). Where Brun has his baldness mocked and is silent, our bears implicitly mock baldness and thereby, it will be suggested, speak.

[2] Although the noun דבים is not marked for gender, the predicated verb ותצאנה of course is and admits of no motivation other than the imagined gender of the ursine subjects. Awareness of this implication is essentially universal in the scholarship on this passage.

[3] Several representative assessments are quoted to similar ends by Ziolkowski, "Bad Boys," 333–34.

the most powerful are the members of the Omride house. The present passage is unique in its direction of violence outside obvious theological parameters. Second, the means of the man of god's action here are striking. Although the "curse" (קל״ל) and invocation of YHWH comport with patterns of verbal intercession elsewhere in the Elijah and Elisha narratives, the present fulfillment is strangely, but evocatively, indirect. Wild animals are somewhat rarely the agents of YHWH's will, and the appearance of female bears, specifically, has the potential to appear random. (Modern readers can be forgiven, too, for their surprise – indexed by short zoological digressions in the commentaries – that bears ever inhabited the southern Levant.[4]) Third, the punishment visited upon the forty-two נערים קטנים has often been read as disproportionate to their offense and therefore, in both literary and theological terms, inexplicably unjust. The boys only mock the prophet, apparently with primary reference to his baldness. Surely this alone cannot, in any logical author's mind, have merited death! Many readers seem to assume, too, that the offenders' juvenile status should entail a somehow mitigated punishment. Lethal violence against youths – or even children – attributed to an apparently valorized character frustrates expectations.

Discomfort with these oddities is what can sometimes induce authors of studies or commentaries on the Elisha narratives to minimize their treatments of this particular passage.[5] The vast majority of authors devote only paragraphs to the episode, when they engage it at all. This is true even of those whose topical focus might have permitted analytical depth. Hans-Christoph Schmitt, in his pathbreaking work on the tradition-history of the Elisha narratives, devotes about two pages to these verses, much of it focused on the argument that their geographical framing, in Bethel, is a secondary development.[6] In her similarly encompassing reanalysis forty years later, Ruth Sauerwein again devotes the majority of space allotted to this narrative to geographical questions.[7] Rüdiger

[4] Indeed they did. *Ursus arctos syriacus* – once widespread throughout the Middle East but now confined to eastern Turkey and pockets in especially mountainous areas of Syria, Iraq, and Iran – is a subspecies of the northern hemisphere's brown bear. An accessible overview of the subspecies from a zoological perspective is Calvignac et al., "Genetic Diversity." Eichinger, *Bär*, is the most thorough compendium of bear imagery and texts from the ancient Middle East and Mediterranean (cf. Beard, "Snatched," 5–14, whose material is extremely and not usefully selective). Bieder, *Bear* and Pastoureau, *Bear* widen the lens to describe worldwide figurations.

[5] Dedicated studies are few and far between; cf. e. g. Diebner, "'Glatzkopf'"; Ziolkowski, "Bad Boys"; and Irwin, "Curious Incident." Even in an explicitly animal studies monograph, this story is chiefly engaged for its "unsettling" (in ethical terms, presumably) implications (Stone, *Reading*, 101–3). And even those authors who center the episode in, for example, introducing their work on Elisha (Bodner, *Elisha's Profile*, 1) seem to feel the need to sequester it as "bizarre."

[6] H.-C. Schmitt, *Elisa*, 180–82. I do agree that the localization of this scene in Bethel is an accommodation to narrative-geographical context, rather than, say, commentary on the cult there *à la* Amos 3:14; 4:4; 5:5–6; the critique here is merely that fixation on this point has the potential to sideline other inquiries.

[7] Sauerwein, *Elischa*, 31–33.

Schmitt's survey of magic in the Hebrew Bible of course approaches this text, but the author seems to regard its filing as depicting "Schadenzauber" sufficiently explanatory.[8] Given the amount of scholarship on the Elijah and Elisha narratives generally, a surprisingly small number of scholars have produced substantial analyses of what all acknowledge to be an "interesting" text.

When authors do closely consider Elisha's bears, their energy is nearly always spent on resolving the putative ethical tensions observed previously, especially the first and third. There is a long tradition of reassuring readers that the mocking youths *were* engaging in theological argument by, for example, directing attention to Elisha's baldness. This baldness is claimed to be a sort of monastic tonsure, adopted – evidently without narrative comment – by the man of god upon inheritance of Elijah's office.[9] This goes some distance towards removing the outlier quality of Elisha's violence here, and it has the potential – dependent on idiosyncratic and usually unspecified ethics – to render the youths' mortal punishment more explicable. This can be (and often has been) achieved, too, through claims that נערים קטנים are not indeed "boys" but rather teenagers or the like, who ought to have known better and might therefore merit mauling.[10]

To my mind, protestations in this vein mostly instruct us in the ethical systems of modern biblical scholars.[11] They tell us, in other words, that contemporary audiences are generally uncomfortable with violence against children, even misbehaving ones, especially implicitly deadly violence. We might, however, consider making conceptual exceptions for violence with religious motivations, especially if it is described as occurring in an ancient time and Oriental(ized) locale (cf. n. 9), distant enough to be relevant but not determinative for present praxis. But these reading strategies almost certainly misunderstand how many, if not most, ancient audiences would have engaged a narrative such as this one. Although נערים can indeed, for example, be individuals of most any age, provided they are somehow subordinated, the description of these as קטנים "small"

[8] R. Schmitt, *Magie*, 287–88.

[9] This hypothesis was apparently initiated, much more hesitantly than is often represented, by Bernhard Stade ("Beiträge," 306–7 n. 3). It is still regularly evoked (e. g., Würthwein, *Könige*, 278) as at least "intriguing" (Sweeney, *I & II Kings*, 275). In endorsing it, the logic of several authors has been explicitly Orientalist; pattern baldness is alleged to be less characteristic of or visible in "the Orient," for dubious reasons of climate, headgear, etc. (thus, e. g., Montgomery and Gehman, *Kings*, 355–56; Gray, *I & II Kings*, 480).

[10] This argument is made in greatest detail by Burnett, "'Going Down,'" 295–97.

[11] Cf. e. g. Bergen, *Elisha*, 71, who understands this to be an inflection point in the imagined ideal reader's declining estimation of Elisha; and Gilmour, *Juxtaposition*, 100–1, who contends that "a close reading of the story in isolation suggests that, to some extent, the ancient readers were also supposed to be shocked" by this narrative. This "close reading," though, is mere observation that the punished offenders are children, a feature of the narrative that is both obvious and potentially productive of reader responses other than "shock," especially in anyone fundamentally sympathetic to prophet and deity.

is unlikely to index anything other than their age.[12] This means that the targets of Elisha's wrath are very likely quite young, certainly juvenile offenders. The fact that when the bears kill, they kill ילדים (v. 24) seems to prove this. Similarly, against the "tonsure" interpretation of these boys' repeated insult קרח is the fact that neither Elisha nor any other prophet is ever depicted as purposefully shaving their cranial summit. No such coiffure is ever legislated for Israelite religious professionals, and indeed the dominant set of regulations at our disposal – the Priestly law with its Holiness supplement – prohibit any such shaving for priests.[13] (The influence of monastic style and medieval iconography on the still overwhelmingly Christian guild of biblical scholars is not hard to discern in the stubborn misapprehension.) If one disputes the putative religious reference, the possibility emerges that the boys are ridiculing a more mundane aspect of Elisha's appearance, that is, his pattern baldness with its common cultural associations of masculinity and age. Finally, there is no guarantee that the punishment for the boys' disrespect would have seemed excessive to an ancient audience.[14] This is not the only biblical passage that entails lethal punishment for verbal abuse of an elder, even though Pentateuchal codes to this effect specify that the condemned offender will have himself cursed (קל״ל) rather than merely insulted (our passage's קל״ס) his parent, rather than any old member of the community (Exod 21:17; Lev 20:9).[15] But that this precise form of disrespect only indexes broader infractions can be demonstrated by such passages as Deut 21:18–21, wherein a merely refractory (סורר ומורה) son receives a similarly deadly punishment. There is thus no real warrant for seeing the difference between קל״ל and קל״ס as a subtle citation, still less a hairsplitting critique of Elisha's behavior. It is far more likely that this passage aims to encourage, via imagery that is contextually logical while also memorable, respect for the representative of YHWH.

II.

What, then, of the bears? That this feature of the narrative is also contextually logical has been grasped by only a few scholars. These observe that, while divine deputization of wild animals is not especially common within the biblical text, it

[12] Similarly Gilmour, *Juxtaposition*, 100; Parker, *Valuable and Vulnerable*, 92–93.

[13] Thus already Cogan and Tadmor, *II Kings*, 38; and Sauerwein, *Elischa*, 31 n. 58.

[14] Cf. Heller, *Characters*, 125–30, for whom this is the motivating assumption ("a drastic judgment for what amounts to be [*sic*] a relatively minor slight from relatively young children") ultimately leading to the suggestion that this is among those stories that produce an "ambiguous" characterization of Elisha. If one recognizes, though, that these stories did not originate in their present narrative context, one wonders what the goals of such an individually negative portrayal would be.

[15] The ancient Middle Eastern legal background of this material is elucidated by Wright, *Inventing God's Law*, 192–97.

is not totally unknown. One of the two listings of covenant curses in the Pentateuch, Lev 26, threatens an attack of wild animals should the Israelites violate the terms of agreement: והשלחתי בכם את־חית השדה ושכלה אתכם והכריתה את־בהמתכם והמעיטה אתכם ונשמו דרכיכם, "I will send among you wild animals, and they will bereave you. They will cut off your cattle and diminish you, and your ways will be destroyed" (Lev 26:22). (No similar curse appears in the other major biblical curse register, Deut 28, where v. 26 only predicts the presence of animals as scavengers after the covenant-violators have died of other causes.[16]) In addition to its overall sentiment, the Leviticus curse has several specific points of connection with the bers scene in 2 Kgs 2. The wild animals of the curse do not just kill but rather "bereave" (שכ״ל Piel), that is, they focus on the annihilation of a community's offspring, just as Elisha's bears do.

Interestingly, bears also appear to be paradigmatically associated with bereavement, although they are usually on the receiving end. Bears are described as bereaved (שכול) at 2 Sam 17:8; Hos 13:8; and Prov 17:12; in the latter two cases, these bears are those whom one might "meet" (פג״ש) to adverse ends. The imagery of the groaning bear at Isa 59:11 likely owes something to this commonplace, as might the enigmatic דב שׁוקק (Prov 28:15), in which the import of the participle may be "noisily longing."[17] A further precise connection between Lev 26:22 and 2 Kgs 2:23–25 may also be observed. In addition to the wild animals causing the cattle to diminish (מע״ט Hiphil; cf. the reversed trope at Ps 107:38), they will destroy (שׁמ״ם Niph) דרכיכם, "your roads." Although it is possible to understand these דרכים abstractly ("ways"), referring to the totality of lifeways described earlier in the verse, שׁמ״ם Niphal generally describes the physical destruction of structures and topography. A clearly concrete analogue, נשׁמו מסלות (Isa 33:8), suggests that the forecasted terror is one of marauding beasts preventing travel. The relevance of such an image for 2 Kgs 2:23–25 is obvious. It begins to seem likely that the Elisha story is a creative narrativization of a curse like that pre-

[16] Relatedly, one eighth-century Aramaic set of curses does appear to include a "bear," but this interpretation has been open to both epigraphic and orthographic challenges. Sefire IA:31 (*KAI* 222) names among its {'kl} *'ākil*, "devourer[s]," to be sent against 'Arpad in the case of a curse breach the {pm ʳdbhʰh wpm nmrh}, "the mouth of a *dbhh* and the mouth of a leopard." The identity of the latter creature, {nmr}, as the Arabian leopard (*Panthera pardus nimr*) would seem clear from the identical lexeme in later Aramaic (e.g., Syriac *nemra'*, "leopard"; Sokoloff, *Syriac Lexicon*, 922) as well as from cognates (e.g., biblical Hebrew נמר [BDB 649]; and of course the Arabic cognate in the zoological trinomial). But its predecessor's identity as a similar large mammal, a "bear," has been viewed as dubious given the apparent orthographic oddity {-hh}; one expects merely **{dbh} for f.s. *dVbbah* (cf., e.g., Syriac *debba'*; Sokoloff, *Syriac Lexicon*, 268). I think it likely that the doubled {h} is merely orthographic error. Those who have endorsed similar versions of a "bear"-inclusive hypothesis include Wittstruck, "Influence"; and Fitzmyer, *Aramaic Inscriptions*, 88; cf. Dupont-Sommer and Starcky, "Les inscriptions," 242; Rimbach, "Bears or Bees"; and, as always, a full register of opinions to date in Hoftijzer and Jongeling, *Dictionary*, 238.

[17] A recent lexicographical survey is available in *Gesenius*[18], 1410.

served in Leviticus. The writer asks, in other words, what it would look like if YHWH did indeed follow through on a curse that bereaved, by means of wild animals, along the road. Several authors have in fact recently argued something like this,[18] albeit not always with recognition of the full complement of biblical connections, their informing tropes, or clarity as to the fact that the precise text of Lev 26 need not have been our author's source for knowledge of such a curse.

This Leviticus curse nevertheless remains an inexact match for the situation portrayed in 2 Kgs 2:23–25. Whereas the curse attributes the wild animals and their activity to YHWH, the Elisha story imagines that retribution might be initiated by a special human agent, the man of god. This agent, too, need not wait around for Israelites to violate the terms of a covenant before calling on YHWH. Violent beasts are at his perpetual disposal so long as he feels sufficiently slighted or, presumably, otherwise in need. In both of these senses, the brief note at 2 Kgs 17:25 is a much closer "match" for the Leviticus curse. There, when the foreigners imported to Israel neglect to worship YHWH, he personally responds to this offense by sending murderous lions among them. All of these texts, though, rely on a particular assumption whose logic should still be analyzed. Anthrovorous predators are assumed to be appropriate conduits of divine violence, but why should this be so?

III.

One crucial element of an answer to this question is the observation that all of the biblical texts presented thus far understand there to be a manner of identity between deity and animal. This identity can become inclusive, too, of the privileged human, in our focal passage the man of god Elisha. Once this is realized, it becomes clearer that all of these biblical narratives rely not just on citations within so-called "Israelite culture" but rather a much broader ancient Middle Eastern perspective in which gods are paradigmatically masters (and, less often, mistresses) of animals. These animals also frequently serve as their emblems. Mastery of the animal – who merges, as emblem, into the divine – can occasionally be harnessed by the knowledgeable ritual practitioner. The general outlines of this conceptual orientation have long been visible from, for example, the use of animal metaphors to describe gods and the iconography of deities that juxtaposes these with characteristic animals, e. g., the storm-god (Baʿlu, Teššub, etc.) with his bull and Ištar with her lion. Mostly, though, such associated animals seem to function in innocuous ways towards the human devotee, especially assuming that this devotee remains faithful to the god in question. The storm-god's bull, for example, is theoretically dangerous, but chiefly to those outside the religio-political

[18] Cf., e. g., Irwin, "Curious Incident," 26–27 and n. 14 with prior references.

community of which the storm-god himself is the center. This renders the more general aspects of this imagery less apt for comprehending narratives like that of 2 Kgs 2:23–25 or even such curses as Lev 26:22. These involve human targets who are indeed opposed to the god or his representative(s), but as the result of a particular transgressive act rather than a religio-political identity.

Broader ancient Middle Eastern parallels for a divine-animal response to such transgressive acts have only come to light somewhat recently. A clear analogue, for example, is now known from a newly published Iron Age Luwian inscription. In July 1999, representatives of the Tell Ahmar archaeological expedition, acting on the advice of local Syrians, were able to dredge from the bottom of the Euphrates, near the village of Qubbah, a massive 3 × 1 meter stele.[19] The basalt monument turned out to bear not only an image of the storm-god – atop a bull and under a winged sun-disc – on its obverse,[20] but also, on all other sides, an eight-line, completely preserved Hieroglyphic Luwian text of the late tenth or early ninth centuries BCE. The inscription turned out to be one of Ḫamiyata, a king of Masuwari (modern-day Tell Ahmar); it is, for the most part, a description of his military achievements through the good graces of Tarḫunza of the Army. The conclusion of the text, though, contains a short series of curse formulae against anyone who should damage the monument ("who shall erase Ḫamiyata's name") or who should be opposed to the dynastic offspring. The first and main curse pronounced on this potential malefactor is unique and, for present purposes, highly significant:

§ 31 *pa-ti-pa-wa/i-'* | *za-sa* | EXERCITUS-*la/i/u-na-si-i-sa*(DEUS) TONITRUS-*sa* | LEO(ANIMAL)-*wa/i-sa* | *i-zi-ia-ru*
§ 32 *a-wa/i pa-si-na-'* | (CAPUT)*ha+ra/i-ma-hi-na* FEMINA-*ti-i-na* | INFANS-*ni-na* | INFRA-*ta* | (BIBERE)*pa-sà-tú*

"For him may this Tarḫunza of the Army become a lion. May he swallow down his wife and child!"[21]

[19] The first publication of this stele, postdating Hawkins's summary *Corpus*, is Bunnens, *New Luwian Stele*, with circumstances of discovery described at ibid., 1. The site from which this new stele originated is now discussed in detail by Bunnens, *Tell Ahmar*, esp. 83–101 for additional exposition of the present item and its chronological context.

[20] Despite the text discussed below, there are no lions (or bears) on this stele. Lion images are most easily accessed via Strawn, *What Is Stronger*. Bear representations in Syro-Anatolian art are mostly debatable (taxonomic judgments are frequently rendered difficult by impressionistic animal anatomies) and ultimately minimal. I am convinced of the ursine identity of at least one representation, namely Karatepe A/3 (by the numeration of Orthmann, *Untersuchungen*, 488 and pl. 15b), which depicts a bowman and a compositionally crammed bear – identified as such by its rounded muzzle, slight neck hump, and lack of visible tail – under the former's arms. This figure, alongside three other candidates from nearby Tell Ḥalaf, are all positively identified as bears by Eichinger, *Bär*, 153. Oddly, Beard's ("Snatched") attempt at a reasonably thorough register of ancient Middle Eastern bear images lacks any of these quite proximate (to the Hebrew Bible, both geographically and chronologically) images, despite attention to such far-flung contexts as third-millennium southeastern Mesopotamia.

[21] Hawkins apud Bunnens, *New Luwian Stele*, 16–17.

As Hawkins writes in his *editio princeps* of this inscription, this is an "interesting new clause,"[22] interesting not only because it presents a unique image within the context of Luwian and broader Syro-Anatolian inscriptions but because that image is a highly significant one: a god who is not just metaphorically an animal but actually imagined to *become* one in pursuit of the cursed evildoer. The deity's leonine form is apparently what is imagined to enable his deadly swallowing-down. The lion is an appropriate avatar due to its fearsome potential for violence, but it is also an especially cogent analogue for a deity. As one of the most – if not *the* most – dangerous of all wild animals, the lion occupies the pinnacle of the animal hierarchy, just as the chief god reigns supreme over the cosmos.[23]

There are, admittedly, no texts that similarly depict a deity as a bear.[24] But as a comparable shaggy predator and a potential antagonist to the human, the bear occupied a similar conceptual position to that of the lion. Indeed, the medievalist Michel Pastoureau has argued that, in medieval Europe at least, the bear long served as "king of beasts," until he came to be identified with paganism and the devil, systematically exterminated, and heraldically and zoologically "dethroned."[25] Whatever the truth of this hypothesis, some of the biblical passages cited above do connect the bear with the lion. In doing so, they suggest that these animals have seemed analogous not just to contemporary scholars – of medieval Europe or of the Hebrew Bible – but to speakers and writers in Iron Age Israel and Judah. The connection is visible in prose, as when the young David boasts of his protection of the flock from both lion and bear (1 Sam 17:34–37).[26] The proverbial nature of David's claims is paralleled by the above-mentioned enigma of Prov 28:15, which also juxtaposes these two animals and compares them to a wicked ruler. The connection of both lions and bears with negative kingship is further monstrified by Daniel 7, which builds successive metaphorical hybrid beasts from the bases of lion (אריה; v. 4) and bear (דב; v. 5) to symbolize the threat of foreign empires.[27] Biblical poetry symbolizes the Day of YHWH (Amos 5:19)

[22] Apud Bunnens, *New Luwian Stele,* 30.

[23] Such metaphors are explored in great detail by Strawn, *What is Stronger.*

[24] Bear imagery has occasionally been imputed to the Ugaritic text RS 24.245 (*KTU*[1–3] 1.101), where l. 2 describes Haddu as sitting (√rbṣ) {kmdb}. Some scholars have divided the lexical elements here as {km db}, *kamā dubbi*, "like a bear" (e.g., Dietrich and Loretz, "Sieges- und Thronbesteigungslied," 129–34), but the description's cosmic setting and patterns of ancient Middle Eastern imagery render the division {k mdb}, *ka-madūbi* (√ḏ(-)b), "like a flood," far more likely. This analysis – clearly preferable – is argued in greatest detail by Pardee, *Textes para-mythologiques*, 132–34, with abundant prior bibliography. That the {mdb}, "flood," analysis now represents consensus is suggested by the dynamics of that entry in del Olmo Lete and Sanmartín, *Dictionary,* 519.

[25] Pastoureau, *Bear*, esp. 113–84.

[26] Cf. Beard, "Snatched."

[27] Detailed reflection on this bear image may be found in Gardner, "Decoding Daniel"; with the more general animal and monstrosity aspects of the whole chapter engaged in Frisch, "Four (Animal) Kingdoms"; and Jarrard, "Sunken Place."

and, most pertinently here, YHWH himself (Lam 3:10) as both lion and bear. Most of these parallelisms situate the lion before the bear, perhaps suggesting that the second of these was remarkable in some way, rarer or more dangerous. At least Amos's Day of YHWH passage is quite clear that the bear's appearance is hyperbolic.[28] An encounter with a lion is already unexpected and absurdly dangerous. The introduction of a bear only serves to render both astonishment and peril more outrageous.

It being clear, then, that a lion is comparable to a bear, transitivity might suggest that any deity comparable to one of these animals is not too far from the other. Indeed, at least two biblical passages – Hos 13:8 and Lam 3:10 – make this point directly with respect to YHWH. Arguably, 2 Kgs 2:23–25 is doing much the same thing. When Elisha curses the boys in the name of YHWH, the bear serves as the immediate agent of this curse and attacks the offenders as YHWH himself would. In this we are not too far from the image of Tarḫunza, in lion form, attacking the dependents – and emphatically the children! – of the imagined wrongdoer. At the very least, YHWH is imagined to have bears at his disposal, and there is much in the world of this text that might have encouraged a conceptual slippage from the deity himself to his beastly heavies.

What about the third major figure in this god – bear – man triad? The third of these is, after all, the figure who initiates the attack on the boys. This has long seemed unusual, in the sense that there are no biblical parallels for such human-directed animal aggression. Even more strangely, what we might call aggressive animal magic is hardly a standard feature of ancient Middle Eastern magic, including in the gigantic Mesopotamian textual tradition.[29] There may, however, be at least one exception to this rule in an Old Babylonian incantation from Mari, *RA* 36, 3.[30] In this text, the speaker (who is also the client) pronounces a fourteen-

[28] Nahkola, "Amos Animalizing."

[29] Animal similes are not uncommon in Akkadian and other magical literature, but in the presently published data they are (with the exception of the text quoted here) vehicles for characterization of the practitioner's enemies (witch, demon, etc.) or the patient, rather than the practitioner himself. Texts illustrative of the former type can be accessed via Hirvonen, "Animals and Demons"; Mertens-Wagschal, "The Lion, the Witch"; and Richey, "Mesopotamian Demon Lamaštu," 148–49.

[30] This incantation was first published by Thureau-Dangin, "Tablettes," 10–13 and is usually referenced as *RA* 36, 3 following the venue for that edition; its Mari excavation number does not appear to be specified in any published source. Catalogued in both Cunningham, *'Deliver Me from Evil,'* 151, no. 340 and Wasserman, *Style and Form*, 205, no. 136 (where the claim that this is a love incantation is certainly incorrect; the text was not ultimately included in Wasserman, *Akkadian Love Literature*), the text has been treated by several recent studies: Guichard, "Incantations," esp. 23–25; Krebernik, "Eine neue elamische Beschwörung," 35–36 (revised transliteration of Akkadian and Hurrian only); and Mertens-Wagschal, "The Lion, the Witch," 161–62, 165–66. For general context, Wasserman and Zomer, *Akkadian Magic Literature* is now available.

line text to effect victory in a legal dispute. The relevant animal imagery appears almost immediately:

(4) *el-qé ma-at-na-am uš-ta-pu ša-ap-ti-*[*ka*]
(5) *ki ba-ar-ba-ri-im uš-ta-aḫ-ḫi-iṭ-ka*
(6) *ki né-ši-im ru-pu-uš-ti e-li-ka ad-di*
(7) *lu-uq-bi-ma qí-bi-ti el qí-bi-ti-k*[*a*] *lu e-*[*lat*²]
(8) *lu-ut-wi-ma ti-wi-ti el ti-wi-ti-ka lu ḫa-ab-*[*ra-at*]

(4) Taking a bowstring, I have fastened [your] lips.
(5) Like a wolf I have attacked you.
(6) Like a lion I cast my spittle upon you.
(7) May I speak and may my speech [be superior to?] your speech.
(8) May I talk, and may my word be lo[uder] than your word.

This comparison of the magical practitioner with the fearsome lion and wolf is of course only metaphorical and rhetorical. The speaker almost certainly does not imagine that he will physically transform into a wolf, nor that corporeal lions will materialize and froth at the speaker's juridical opponent. But what this text does provide is additional light on a general ancient Middle Eastern context in which it was evidently conceivable that magical practitioners could call on the powers of animal avatars in settling their claims. One might even say that the narrative of Elisha concretizes those associations that remain on the theoretical level in such texts as *RA* 36, 3.

The narrative of 2 Kgs 2:23–25 thus begins to look more like a narrative with an implicit logic within its ancient Middle Eastern context than an inexplicably strange outburst. Invoking the framework of proximate ancient incantatory traditions also continues to clarify the picture of the Elijah and Elisha narratives as, in many ways, refractions of magical praxis in the Iron Age Levant.[31] Elisha's calling on aggressive animal agents is yet another way in which, far from being at odds with geographically and chronologically adjacent magical traditions, biblical texts tend to mimic their logic and tropes. Despite the dearth of non-biblical evidence for southern Levantine magic, it is striking how frequently biblical narratives present parallels to actions and formulae that are well known from Mesopotamia and the northern Levant.[32] This begins to suggest that men of god

[31] I have stressed this analytic angle in Richey, "Thunder"; "Child's Sickbed," both with more extensive bibliography on these matters. Similar approaches to the prophet as sorcerer include the treatments of Elijah and Elisha material throughout R. Schmitt, *Magie*; Pietsch, "Prophet als Magier" (cf. ibid., 353–58 on the present narrative, in a quite different direction than that adopted here); and Cranz, "Naaman's Healing."

[32] An accessible overview of what is known of Levantine magic, with some definitional reflections, is now available in DeGrado and Richey, "Discovering Early Syrian Magic"; and for various biblical and non-biblical explorations, Kamlah et al., eds., *Zauber und Magie*. In addition to the bibliography related to Late Bronze Ugarit collected in both, see now Müller et al., eds., *Rituale und Magie*.

like Elisha were fundamentally conceptualized as magical practitioners, in ways that would have made sense to ancient Middle Eastern audiences from beyond the narrow confines of Israel and Judah.

IV.

With these contextual materials in mind, it becomes possible to return to the literary significations and textual framework of the 2 Kgs 2:23–25 narrative itself. Its characterizations draw on the conceit of fundamental identity of the threatening animal with, on the one hand, YHWH and, on the other, the man of god Elisha. Meanings attached to the shadowy she-bears thus have implications for interpretation of both god and prophet. Much of the biblical material relating to the bear has been briefly surveyed in preceding sections. The most important observation yet to be made derives from the frequency of the bear's characterization as שכול, "bereaved" (2 Sam 17:8; Hos 13:8; Prov 17:12; cf. Isa 59:11 and Prov 28:15 as discussed above). This traditional, even proverbial, image likely emerges from the mother bear's visibly and sometimes audibly emotional defense of her young in threatening situations. It has already been mentioned that there is a direct contrast to this image in the Lev 26:22 curse threatening that wild animals will themselves bereave (שכ״ל Piel) the Israelites, as well as that 2 Kgs 2:23–25 may well narrativize this curse. It can be said further that 2 Kgs 2:23–25 provides a direct yet implicit ironic reversal of the bereaved bear motif. Rather than losing their own children, these bears cause bereavement among the hypothetical mothers of the Bethel boys.[33] This represents a sophisticated reflection on the traditional image, swapping, as it does, ursine passivity for agency in bereavement and suggesting that animals can occupy a position of moralized violence, of which they are usually just the object. This agency has implications for how the text imagines animal autonomy. While the bears may act at the command of Elisha and (implicitly) YHWH, the extent and mode of destruction they cause is up to them, not explicitly legislated by the non-animal actors.

The desire of the storyteller to feature this ironic reversal of the bereaved bear motif has motivated another significant feature of the story, namely, the gender of the two bears. This introduction of gender results in some narrative resonances that were likely unintended, in that they work against what otherwise appears to be a straightforward ideology. Bears, like most other mammals, are hairy, and Elisha is of course teased by the boys for being קרח, "bald." The contrast between

[33] I attempt here to bring greater analytical precision to the similar statement in Parker, *Valuable and Vulnerable*, 101: "The bears and the parents share a bond, since bears too can be bereaved (שכול) of their cubs."

the hairy bear and the bald prophet is not infrequently noted,[34] but rarely do writers fully recognize the complex set of significations this contrast entails. On the one hand, Elisha's ability to summon hairy animals conveys a compensatory capacity. In this respect, the text's ideology is fully coherent. The text implies that one should not disrespect the external appearance of the older masculine prophet, because this appearance does not preclude (and may even entail) hidden power to retaliate with "hairy" violence. On the other hand, the text's insistence on the proverbial bereaved bear evidently demands that two *female* bears serve as the agents of this compensation. This introduces a gender contrast with the deconstructive potential to undermine Elisha's putative masculinity.[35] What kind of manly prophet requires sows, of all animals, to fortify his hairiness or, more precisely, lack thereof? The precise figuration of the gendered animal has the odd effect, therefore, of casting the man of god in a queer light.[36]

It has been surprising to me that this gender contrast and its clear literary implications have not been pursued in scholarly readings of this narrative. There may yet be, however, a palpable reason for this, namely that the vast majority of those who have attended to Elisha's baldness have contrasted it not with the bears of the immediate scene (cf. n. 24), but with the hairiness of the prophet's predecessor, Elijah. It is true that Elijah is described as especially woolly in 2 Kgs 1:8; he is אישׁ בעל שׂער, according to the messengers of Ahaziah and immediately recognizable to the king as such. The mockery of Elisha in which the youths engage has therefore been interpreted regularly as stressing his inadequacy for the prophetic office *vis-à-vis* his former master.[37] And yet, one has to ask whether this is a contrast that could have been as meaningful before this narrative was placed in its present canonical position. Like the other tales in the Elijah and Elisha material of 1 Kgs 17–2 Kgs 13, the bears narrative was almost certainly first conveyed *not* in the context of a (or indeed, *this*) coherent series of such stories. Most of these narratives show clear signs of having developed autonomously before having been arranged in their chronologically driven Deuteronomistic framework. With the exception of potentially secondary geographical comments, most are self-contained scenes that not infrequently contradict or duplicate one another in fashions that would seem illogical without an explanatory

[34] This contrast is not emphasized as often as one would expect (cf. below), but does appear in Niditch, *"My Brother Esau,"* 112–13; and Pastoureau, *Bear*, 116.

[35] Cf. Graybill, "Elisha's Body," esp. 34–37, where Elisha's masculinity is repeatedly emphasized, but surprisingly without any direct engagement of the other characters' genders.

[36] In this I agree generally with Graybill, "Elisha's Body," who finds throughout stories about the prophet a set of corporealized queer resonances.

[37] This is an extremely common comparison, especially in relatively recent work, e.g. Kissling, *Reliable Characters*, 166; Niditch, *"My Brother Esau,"* 114; Burnett, "'Going Down,'" 296; Parker, *Valuable and Vulnerable*, 94; Gilmour, *Juxtaposition*, 102; and Heller, *Characters*, 127.

compositional prehistory.[38] But readers have perpetually rushed to interpret not just Elisha's baldness but also other elements of this narrative – his "going up" in the context of 2:1–18,[39] the language of bereavement also in 2:19–22[40] – as though necessarily originating in cross-story significance. Without, of course, denying that such meanings are present in the current, canonical arrangement of Elisha narratives, it must be made clear they in fact *emerge* only in that arrangement. Intertextual resonances, while important, are not exhaustively explanatory of individual narratives' elements. At least in the present case, their canonical prominence has obscured some of the more concentrated resonances that give Elisha and the bears their power.

Bibliography

Beard, Brady A. "Snatched from the Hand of a Bear: A Comparative Perspective on the Bear in David's Speech in 1 Sam 17:34–37." *JNSL* 46 (2020): 1–20.

Bergen, Wesley J. *Elisha and the End of Prophetism.* JSOTSup 286. Sheffield: Sheffield Academic, 1999.

Bieder, Robert E. *Bear.* London: Reaktion, 2005.

Bodner, Keith. *Elisha's Profile in the Book of Kings. The Double Agent.* Cambridge: Cambridge University Press, 2013.

Bunnens, Guy. *A New Luwian Stele and the Cult of the Storm-God at Til Barsib-Masuwari.* Tell Ahmar II. Leuven: Peeters, 2006.

–. *Tell Ahmar on the Syrian Euphrates. From Chalcolithic Village to Assyrian Provincial Capital.* Oxford: Oxbow, 2022.

[38] This is not the place in which to expand on my sense of the composition history of the Elijah and Elisha narratives; suffice it to say that I am among those who – more traditionally, with respect to ongoing research in this area – see the Elijah (1 Kgs 17–19, 21; 2 Kgs 1) and Elisha (2 Kgs 2:19–2 Kgs 13) materials as largely separate, pre-Deuteronomistic textual traditions, with some visible influence of the latter (or their analogues) on the former (e. g. 1 Kgs 17:17–24 < 2 Kgs 4:1–37 [White, *Elijah Legends*, 13–17], a composition historical hypothesis in which I am now more confident than might have been implied by Richey, "Child's Sickbed," 385–86 n. 1). 2 Kgs 2:1–18 might serve as the secondary bond that smoothed the overall sequence. The chronologically driven distribution of this material throughout what appear to be, first, anti-Omride/pro-Jehu (1 Kgs 17–2 Kgs 10) and, later, simply Deuteronomistic incorporating frameworks is what suggests to me that at least the majority of these stories are still pre-Deuteronomistic (cf. the recent trend towards a post-Deuteronomistic understanding, e. g., Stipp, *Elischa*; Otto, *Jehu, Elia und Elisa*; McKenzie, "'My God is YHWH'"), but I reserve full discussion for a future context.

[39] Cf. especially Burnett, "'Going Down.'"

[40] Cf., e. g., Gilmour, *Juxtaposition*, 99, for whom, too, the interpretation of adjacent passages by means of one another is the chief method for comprehending these passages in general. In my own view, the juxtaposition of stories sharing explicit (e. g., כלכ״ל throughout 1 Kgs 17) or implicit (e. g. שכ״ל in 2 Kgs 2:19–25) *Leitwörter* was merely the condition for compositional concatenation; this then produced, as byproducts, such potential meanings as those Gilmour elucidates. But this, too, is a claim to be elaborated in another context.

Burnett, Joel S. "'Going Down' to Bethel: Elijah and Elisha in the Theological Geography of the Deuteronomistic History." *JBL* 129 (2010): 281–97.
Calvignac, Sébastien, Sandrine Hughes, and Catherine Hänni. "Genetic Diversity of Endangered Brown Bear (*Ursus arctos*) Populations at the Crossroads of Europe, Asia, and Africa." *Diversity and Distributions* 15 (2009): 1–9.
Cogan, Mordechai and Ḥayim Tadmor. *II Kings. A New Translation with Introduction and Commentary*. AB 11. New York: Doubleday, 1988.
Cranz, Isabel. "Naaman's Healing and Gehazi's Affliction: The Magical Background of 2 Kgs 5." *VT* 68 (2018): 540–55.
Cunningham, Graham. *'Deliver Me from Evil': Mesopotamian Incantations 2500–1500 BC.* Studia Pohl Series Maior 17. Rome: Pontifical Biblical Institute, 1997.
DeGrado, Jessie and Madadh Richey. "Discovering Early Syrian Magic: New Aramaic Sources for a Long-Lost Art." *NEA* 84 (2021): 282–92.
del Olmo Lete, Gregorio and Joaquín Sanmartín. *A Dictionary of the Ugaritic Language in the Alphabetic Tradition.* 3rd rev. ed. 2 vols. HdO I.112. Leiden: Brill, 2015.
Diebner, Bernd J. "'Glatzkopf, komm herauf …'! (2 Kön 2,23 f.)." *Dielheimer Blätter zum Alten Testament* 20 (1984): 169–79.
Dietrich, Manfred and Oswald Loretz. "Sieges- und Thronbesteigungslied Baals (KTU 1.101)." *UF* 17 (1986): 129–46.
Dupont-Sommer, André and Jean Starcky. "Les inscriptions araméennes de Sfiré (Stèles I et II)." *Mémoires présentés par divers savants* 15. Paris: Imprimerie nationale, 1958.
Eichinger, Wolfgang. *Der Bär und seine Darstellung in der Antike.* Hamburg: Kovač, 2005.
Fitzmyer, Joseph A. *The Aramaic Inscriptions of Sefire*. Rev. ed. BibOr 19/A. Rome: Pontifical Biblical Institute, 1995.
Frisch, Alexandria. "The Four (Animal) Kingdoms: Understanding Empires as Beastly Bodies." Pages 56–80 in *Four Kingdom Motifs before and beyond the Book of Daniel*. Edited by Andrew B. Perrin and Loren T. Stuckenbruck. TBN 26. Leiden: Brill, 2020.
Gardner, A. E. "Decoding Daniel: The Case of Dan 7,5." *Bib* 88 (2007): 222–33.
Gilmour, Rachelle. *Juxtaposition and the Elisha Cycle.* LHBOTS 594. London: Bloomsbury T&T Clark, 2014.
Gray, John. *I & II Kings: A Commentary.* 2nd ed. OTL. Philadelphia: Westminster, 1970.
Graybill, Rhiannon. "Elisha's Body and the Queer Touch of Prophecy." *BTB* 49 (2019): 32–40.
Guichard, Michaël. "Incantations à Mari." *CIPOA* 3 (2010): 23–40.
Hawkins, J. David. *Corpus of Hieroglyphic Luwian Inscriptions I: Inscriptions of the Iron Age*. 3 vols. Untersuchungen zur indogermanischen Sprach- und Kulturwissenschaft neue Folgung 8. Berlin: de Gruyter, 2000.
Heller, Roy L. *The Characters of Elijah and Elisha and the Deuteronomic Evaluation of Prophecy: Miracles and Manipulation.* LHBOTS 671. London: Bloomsbury T&T Clark, 2018.
Hirvonen, Joonas. "Animals and Demons: Faunal Appearances, Metaphors, and Similes in Lamaštu Incantations." Pages 313–43 in *Animals and Their Relation to Gods, Humans and Things in the Ancient World*. Edited by Raija Mattila et al. Wiesbaden: Springer, 2019.
Hoftijzer, Jean and Karel Jongeling. *Dictionary of the North-West Semitic Inscriptions*. 2 vols. HdO I.21. Leiden: Brill, 1995.
Irwin, Brian P. "The Curious Incident of the Boys and the Bears. 2 Kings 2 and the Prophetic Authority of Elisha." *TynBull* 67 (2016): 23–35.

Jarrard, Eric X. "Now You're in the Sunken Place: Constructed Monsters in Daniel 7 and *Get Out*." *BibInt* 31 (2023): 94–119.

Kamlah, Jens, Rolf Schäfer, and Markus Witte, eds. *Zauber und Magie im antiken Palästina und in seiner Umwelt*. ADPV 46. Wiesbaden: Harrassowitz, 2017.

Kissling, Paul J. *Reliable Characters in the Primary History: Profiles of Moses, Joshua, Elijah and Elisha*. JSOTSup 224. Sheffield: Sheffield Academic, 1996.

Krebernik, Manfred. "Eine neue elamische Beschwörung aus der Hilprecht-Sammlung (HS 2338) im Kontext alloglotter Texte der altbabylonischen Zeit." *Elamica* 8 (2018): 13–48.

McKenzie, Steven L. "'My God is YHWH": The Composition of the Elijah Stories in 1–2 Kings." Pages 92–110 in *Congress Volume Munich 2013*. Edited by Christl M. Maier. VTSup 163. Leiden: Brill, 2014.

Mertens-Wagschal, Avigail. "The Lion, the Witch, and the Wolf: Aggressive Magic and Witchcraft in the Old Babylonian Period." Pages 158–69 in *Sources of Evil: Studies in Mesopotamian Exorcistic Lore*. Edited by Greta Van Buylaere et al. AMD 15. Leiden: Brill, 2018.

Montgomery, James A. and H. S. Gehman. *A Critical and Exegetical Commentary on the Books of Kings*. ICC. Edinburgh: T&T Clark, 1951.

Müller, Reinhard, Hans Neumann, and Reettakaisa Sofia Salo, eds. *Rituale und Magie in Ugarit. Praxis, Kontexte und Bedeutung*. ORA 47. Tübingen: Mohr Siebeck, 2022.

Nahkola, Aulikki. "Amos Animalizing: Lion, Bear and Snake in Amos 5:19." Pages 83–104 in *Aspects of Amos: Exegesis and Interpretation*. Edited by Anselm C. Hagedorn and Andrew Mein. LHBOTS 536. London: T&T Clark, 2011.

Niditch, Susan. *"My Brother Esau Is a Hairy Man." Hair and Identity in Ancient Israel*. Oxford: Oxford University Press, 2008.

Orthmann, Winfried. *Untersuchungen zur späthetitischen Kunst*. Bonn: Hablet, 1971.

Otto, Susanne. *Jehu, Elia und Elisa: die Erzählung von der Jehu-Revolution und die Komposition der Elia-Elisa-Erzählungen*. BWANT 152. Stuttgart: Kohlhammer, 2001.

Pardee, Dennis. *Les textes para-mythologiques de la 24e campagne (1961)*. RSO 4. Paris: Éditions Recherche sur les civilisations, 1988.

Parker, Julie Faith. *Valuable and Vulnerable: Children in the Hebrew Bible, Especially the Elisha Cycle*. BJS 355. Providence: Brown University Press, 2013.

Pastoureau, Michel. *The Bear: History of a Fallen King*. Transl. George Holoch. Cambridge: Belknap, 2011.

Pietsch, Michael. "Der Prophet als Magier: Magie und Ritual in den Elischaerzählungen." Pages 343–80 in *Zauber und Magie im antiken Palästina und in seiner Umwelt*. Edited by Jens Kamlah et al. ADPV 46. Wiesbaden: Harrassowitz, 2017.

Richey, Madadh. "The Thunder of the Prophets: Elijah and Elisha's גה״ר (1 Kgs 18:42; 2 Kgs 4:34–35." *ZAW* 131 (2019): 235–43.

–. "The Mesopotamian Demon Lamaštu and the Monstrosity of Gender Transgression." Pages 145–56 in *Religion, Culture, and the Monstrous. Of God and Monsters*. Edited by Joseph P. Laycock and Natasha L. Mikles. Lanham: Lexington, 2021.

–. "The Child's Sickbed in the Elijah and Elisha Narratives: Safeguarding Ritual Space in 1 Kings 17 and 2 Kings 4." *CBQ* 84 (2022): 385–403.

Rimbach, James A. "Bears or Bees? Sefire I A 31 and Daniel 7." *JBL* 97 (1978): 565–66.

Sauerwein, Ruth. *Elischa: eine redaktions- und religionsgeschichtliche Studie*. BZAW 465. Berlin: de Gruyter, 2014.

Schmitt, Hans-Christoph. *Elisa: traditionsgeschichtliche Untersuchungen zur vorklassichen nordisraelitischen Prophetie.* Gütersloh: Gütersloher Verlagshaus, 1972.
Schmitt, Rüdiger. *Magie im Alten Testament.* AOAT 313. Münster: Ugarit-Verlag, 2004.
Sokoloff, Michael. *A Syriac Lexicon.* Winona Lake: Eisenbrauns, 2009.
Stade, Bernhard. "Beiträge zur Pentateuchkritik 1. Das Kainszeichen." *ZAW* 14 (1894): 250–318.
Stipp, Hermann-Josef. *Elischa, Propheten, Gottesmänner: die Kompositionsgeschichte des Elischazyklus und verwandter Texte, rekonstruiert auf dem Basis von Text- und Literarkritik zu 1 Kön 20.22 und 2 Kön 2–7.* ATSAT 24. St. Ottilien: EOS, 1987.
Stone, Ken. *Reading the Hebrew Bible with Animal Studies.* Stanford: Stanford University Press, 2018.
Strawn, Brent. *What Is Stronger Than a Lion? Leonine Image and Metaphor in the Hebrew Bible and the Ancient Near East.* OBO 212. Fribourg: Academic; Göttingen: Vandenhoeck & Ruprecht, 2005.
Strubel, Armand, et al. *Le roman de Renart.* Bibliothèque de la Pléiade 445. Paris: Gallimard, 1998.
Sweeney, Marvin A. *I & II Kings: A Commentary.* OTL. Louisville: Westminster John Knox, 2007.
Thureau-Dangin, François. "Tablettes ḫurrites provenant de Mâri." *RA* 36 (1939): 1–28.
Wasserman, Nathan. *Style and Form in Old-Babylonian Literary Texts.* CM 27. Leiden: Brill, 2003.
Wasserman, Nathan. *Akkadian Love Literature of the Third and Second Millennium BCE.* LAOS 4. Wiesbaden: Harrassowitz, 2016.
Wasserman, Nathan and Elyze Zomer, *Akkadian Magic Literature: Old Babylonian and Old Assyrian Incantations. Corpus – Context – Praxis.* LAOS 12. Wiesbaden: Harrassowitz, 2022.
White, Marsha C. *The Elijah Legends and Jehu's Coup.* BJS 311. Atlanta: Scholars, 1997.
Wittstruck, Thorne. "The Influence of Treaty Curse Imagery on the Beast Imagery of Daniel 7." *JBL* 97 (1978): 100–102.
Wright, David P. *Inventing God's Law. How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi.* Oxford: Oxford University Press, 2009.
Würthwein, Ernst. *Die Bücher der Könige. 1. Kön. 17 – 2 Kön.25.* ATD 11,2. Göttingen: Vandenhoeck & Ruprecht, 1984.
Ziolkowski, Eric J. "The Bad Boys of Bethel: Origin and Development of a Sacrilegious Type." *HRel* 30 (1991): 331–58.

Typicality and Verisimilitude in Neo-Assyrian and Judean Figural Representation

Jeffrey Stackert

The dynamic between typicality and verisimilitude in ancient Near Eastern figural representation is complex and sometimes difficult to decipher. Scholars have long observed that typical physical representations functioned as a form of coded communication in ancient Near Eastern artistic and literary depictions of humans and deities. Royal figures – human and divine, though with differing details[1] – are often identifiable in ancient Near Eastern art based on standardized physical characteristics (e.g., in height, hairstyle, stance, and other physical features) as well as conventional attire, adornment, and accompanying paraphernalia.[2] Textual descriptions of royal physiognomy likewise showcase a limited and recurring repertoire of features and terminology, suggesting that these too functioned as an idealized visual protocol of rulership. Accordingly, such depictions did not necessarily reflect accurately the physical characteristics of the individuals they portray. In her assessment of such features of Neo-Assyrian royal visual representation, the historian of ancient Near Eastern art Irene J. Winter has aptly concluded, "*If* the royal appearance as manifest in the ruler's image in Mesopotamia was constituted by elements and qualities tied to his office, and coded for ideal values rather than absolute physiognomical likeness, then what we have here may not be an individualized portrait of *the* king; but it is certainly the 'portrait of *a* king.'"[3]

---

* It is a pleasure to dedicate this study to David Wright, my teacher, colleague, and friend. David has always been a model scholar whom I have tried to emulate. His combination of curiosity, deep and broad learning, creativity, openness to new ideas, fearlessness in the face of consensus, and generosity of spirit is nearly unparalleled. I am so grateful for what I have learned from him. I would also like to express my thanks to my colleagues, Simeon Chavel and Jeremy Schipper, and to my student, Noah Avigan, for their feedback on this article. Any shortcomings that remain are, of course, my own.

[1] On the complex depiction of kings as godlike in Mesopotamia, see esp. Ornan, "A Silent Message."

[2] See, e.g., Thomason, "Materiality of Assyrian Sacred Kingship"; Gaspa, *Textiles in the Neo-Assyrian Empire*, 145–235; idem, "The King's Body in Assyria."

[3] Winter, "Portrait," 267–68. Compare Winter, "Art *in* Empire," which is an earlier treatment of similar issues (see esp. pp. 83–95 for consideration of typicality; language similar to that cited here appears on p. 91). See also Steven W. Holloway *(Aššur is King!*, 183–84), who notes that the stance of the king in such images is semiotically coded as subservient to the gods, namely, as an

At the same time, it is clear that precise physical resemblance was sometimes countenanced as part of ancient Near Eastern representation, including in Mesopotamia. As I will discuss below, literary descriptions provide the surest evidence of this consideration, particularly in descriptions of biological resemblances between parents and children. Non-literary texts, including those from the Mesopotamian context, also acknowledge precise physical resemblance in representation and biological reproduction.[4]

What, then, can be made of ancient Near Eastern artistic figural representation with respect to visual likeness? Do such images (merely) express the typical and thereby convey coded messages of political power, or do they (at least in some instances) accurately depict the physical characteristics of the figures represented? And if such images can deploy either verisimilitude or typicality in their mode of representation, how should any individual instance be judged? I will pursue these questions first by examining instances of Neo-Assyrian visual representation and description. I will then turn to contemporary Judean examples and, drawing on their additional support, suggest a framework for understanding the complexity of Neo-Assyrian visual representations of royal figures. I will argue that, particularly in cases in which heritable resemblance can be inferred – as in cases of dynastic succession – typicality and verisimilitude in figural representation can function simultaneously and even overlap. I will conclude by considering the relationship between Neo-Assyrian figural representation and modern portraiture, where the combination of typicality and verisimilitude is a hallmark of the artistic genre.

I. Typicality and Verisimilitude in Neo-Assyrian Figural Representation

The culture of visuality preserved from Assyria in the first millennium BCE is both varied and incomplete. Visual representation of identifiable human figures is limited; in the main, figural representations depict rulers and divine beings. Yet this relatively small set of examples has nonetheless proven valuable for understanding the nature of Neo-Assyrian artistic representation, in part because it can be correlated with extant textual descriptions of appearance. In the case of humans, these descriptions regularly (though not exclusively) relate to royal figures and royal ideation. It is thus possible, at least to some extent, to

idealized divine servant. He terms it an image of "a priestly worshiper of the gods." For discussion of Neo-Assyrian artistic style more generally, see Feldman, *Communities of Style*, 79–110.

[4] On the distinction between literary and non-literary texts, see Stackert, *Deuteronomy and the Pentateuch*, esp. 29–36.

meaningfully correlate the preserved visual art and textual evidence, yielding a richer data set for analysis.

In her treatment of figural representation referenced above, Winter seeks the benefit of weighing visual and textual evidence together and puts this combination in service of identifying typicality and verisimilitude, including in instances of close resemblances in the physiognomy of Assyrian kings in visual art. The most vexing issues in evaluating this evidence relate to the possibility of verisimilitude. In making her assessments, Winter observes 1. the similarities between different artistic renditions of the same king, 2. detailed physical resemblances (especially in facial features) in the renderings of different kings, such as in images of Assurnasirpal II and Shalmaneser III, and 3. language like that employed in BM 118805, in which Assurnasirpal II describes his own royal visage: "I fashioned the image of my (facial) features" (*ṣalam bunnannīya ēpuš*).[5] Confronted by visual depictions that she judges "idealized, undifferentiated, and fairly uniform,"[6] Winter concludes that even though some language used to describe the physiognomy of figural images (like that in BM 118805) suggests verisimilitude,[7] ultimately what ancient Assyrians produced were typical, and thus coded, images. Physical similarities among royal images, either of the same figure or of different ones, functioned as portrayals of leadership; they were not accurate depictions. In service of this claim, Winter emphasizes the language used to describe such artistic renderings: she notes that the royal image is regularly described not as *ṣalam šarri*, "the image of the king," but as *ṣalam šarrūtīya*, "the image of my kingship." Winter terms the *ṣalam šarrūtīya* "an *official* image," namely, a representation of the office, not the individual.[8]

Yet as noted already, some Neo-Assyrian texts *do* describe verisimilitude in visual representation. Beyond the examples that Winter has highlighted, there

---

[5] RIMA 2 A.0.101.17 iv 16–17 (BM 118805); Winter, "Portrait," 262–64. Winter has also noted the similar language used to describe Assurnasirpal II (in his own voice) on his Banquet Stele in the Northwest Palace at Nimrud: *ṣalam šarrūtīya tamšīl bunnannīya*, "my royal image, a likeness of my facial features" ("Art *in* Empire," 82–83; for this text, see RIMA 2 A.0.101.30:76 [ND 1104]). On the meaning of *tamšīlu* and related verbal formulations, see below.

[6] Winter, "Portrait," 264.

[7] Winter notes, "It is clear that some sort of visual relationship between the king's physical person and the image that bears his name is being suggested," and she points to a similar scenario in Egyptian art ("Portrait," 263). In her earlier treatment, Winter was somewhat more amenable to the possibility of physiognomic resemblance in Neo-Assyrian figural representation ("Art *in* Empire," 84).

[8] Winter, "Portrait," 266. For further discussion, see Schipper, *Disability Studies and the Hebrew Bible*, 61–99 (a chapter titled, "A Body Fit for a King: Disability and the Politics of Royal Representation in the Ancient Near East"). Potentially complicating Winter's assessment is the existence of the designations *ṣalam šarri*, which she discusses elsewhere ("Art *in* Empire," 78–81), and ^{d}*ṣalam šarri*. For the latter, Holloway argues that ^{d}*ṣalam šarri* should be understood as a divinized royal image and evaluates its use and import in Neo-Assyrian society (*Aššur is King!*, 185–93). On the *ṣalam šarrūtīya*, see also Bahrani, *Graven Image*, esp. 138–45.

are numerous instances of the nouns *bunnannû* ("face, appearance, likeness"), *ṣalmu* ("image, likeness"), and their equivalents that are employed as part of descriptions of precise physical resemblance. As I will show, this is especially the case when the individual identity of a figure(s) represented is a signal concern. It is notable, too, that some such examples are found in contexts far removed from the creation of royal statuary and reliefs; accordingly, they are not attended by the ambiguity that characterizes examples of royal visual representation and description.

The Neo-Assyrian anti-witchcraft incantation series *Maqlû* includes several instructive references to accurate resemblance in representation.[9] In *Maqlû* I 96, the supplicant victim describes actions of witchcraft practitioners who imposed their magic upon the victim by means of images they made to represent that victim. The supplicant describes these witchcraft practitioners as *ša ṣalmīya ibnû bunnannīya umaššilū*, "those who made images of me, who copied my (facial) features." That the sorcerers/sorceresses are said not only to have made figurines but to have "copied my (facial) features" suggests that precise physical resemblance is in view here.

This suggestion finds confirmation in *Maqlû* VII 55–59 and 63–66. In lines 55–59, the victim describes both the witch's careful observation of the victim's features and, on the basis of this inspection, her manufacture of a matching image; in lines 63–66, the victim describes mimicking this process to create an image of the witch for use in a substitution rite:

55. *šiptu attīmannu kaššaptu ša īpuša ṣalmī*
56. *iṭṭulu lānī ibnû* ^{d}*lamassī*
57. *īmuru bāltī ušarriḫu gattī*
58. *uṣabbû nabnītī*
59. *umaššilu bunnannīya*

Incantation: Whoever you are, O witch who made my figure,
Who observed my form, crafted my image,
Who perceived my bearing, handsomely duplicated my physical build,
Who inspected my form,
Copied my (facial) features …

63. *maḫar Šamaš ṣalamki ēṣer*
64. *lākki aṭṭul lamassaki abni bāltaki āmur*
65. *gattaki ušarriḫ nabnītki uṣabbi*
66. *ina Nissaba elleti bunnannīki umaššil*

Before Šamaš I drew your figure,
I observed your form, I crafted your image, I perceived your bearing,
I duplicated handsomely your physical build, I inspected your form,
With pure flour I copied your (facial) features …

[9] For the text of *Maqlû*, see Abusch, *The Magical Ceremony Maqlû*. For discussion of its Neo-Assyrian setting, see esp. Abusch, "Socio-Religious Framework Part I"; Abusch, "Socio-Religious Framework Part II"; idem, "*Maqlû*: A Schematic Summary."

As Tzvi Abusch has noted, these lines make special mention of the precise physical resemblances between the images fashioned and the persons represented by them: "In this incantation, the witch is accused of creating a detailed and realistic form of representation of the victim (lines 56–59); the victim, for his part, states that he is creating a similar form of representation of the witch (lines 64–66)."[10] In particular, the threefold repetition of the examination-production sequence undertaken by both witch and victim (observed/crafted; perceived/duplicated; inspected/copied) emphasizes the precise resemblance envisioned between the images created and their subjects.

Though it is unclear how detailed the actual figurines produced in the *Maqlû* rite were (and whether ancient magicians accused of producing such figurines did so at all), accurate resemblance functions in these descriptions as part of the rhetoric of magical efficacy. That is, representational verisimilitude is presented as a contributor both to the witch's successful targeting of her victim and to a felicitous response in the *Maqlû* ritual. Examples such as these underscore that the language of visuality in the Neo-Assyrian period could indeed refer to precise physical resemblance. Indeed, the fact that verisimilitude in representation was understood to serve particular purposes lends support to its identification in such instances.[11]

Other Neo-Assyrian texts likewise describe precise resemblance in physiognomic features. Though only partially preserved, the omen excerpt tablet K 105+Sm 688 is especially relevant, for it countenances physiognomic resemblance between a newborn and his parents: *šumma ana abīšu mašil ina*[*zziq*] *šumma ana ummīšu mašil i*[*šarru*?], "If (the child) resembles his father, he will worry/suffer; if he resembles his mother, he will prosper."[12] The physiognomic idea expressed in this brief line comes as no surprise – even if the omen's interpretations of it may. Inherited family resemblances, including their diverse mani-

[10] Abusch, *Further Studies*, 135. Abusch notes further, "Yet normally in witchcraft texts, representations, both of the witch and of the victim, are generic and not specific. But the type of representation found in our incantation is like the type occasionally made to serve as a substitute in *namburbi* materials. As R. I. Caplice observed regarding substitutes, *tamšīlu* 'entail[s] a more realistic physical representation of the ominous object [than *ṣalmu*].' Note the emphasis on the related verb *muššulu* in *attīmannu* (lines 59 and 66)" (136).

[11] The function of the images here underscores the point that Zainab Bahrani has made concerning the *ṣalmu*, namely, that it is not (only) a representation of a being but "has the potential of becoming an entity in its own right, a being rather than a copy of a being" (*Graven Image*, 125). She argues further: "Rather than being a copy of something in reality, the image itself was seen as a real thing. It was not considered to resemble an original reality that was present elsewhere but to contain that reality in itself" (127). It was, therefore, "a mode of presencing" (137). Notably, such realness does not preclude crafted physical resemblance.

[12] For this text, see Kraus, *Texte zur babylonischen Physiognomatik*, plate 34 (text 25, rev. line 11; cited in *CAD* M/1, s. v. *mašālu*, 355b); Böck, *Die babylonisch-assyrische Morphoskopie*, 288–91.

festations, were readily observable in ancient Mesopotamia, as they have been in every other time and place in human history.[13]

II. Typicality and Verisimilitude in Judean Figural Representation

While no figural images like those from Assyria have been preserved from ancient Judah,[14] the Judean language of visuality in Gen 1:26–27 and 5:1–3 does serve as an analogue to the Neo-Assyrian evidence already highlighted. Importantly, this Judean evidence, which belongs to the pentateuchal Priestly (P) source, dates from the Neo-Assyrian period; P even exhibits evidence of Neo-Assyrian influence.[15] Like their Assyrian counterparts, I will suggest, these Judean examples carry connotations of both verisimilitude and typicality in visual representation. They also provide further contextualization for representations of precise physical resemblance that adds weight to the analysis of Neo-Assyrian royal statuary and reliefs offered here.

The image language in Gen 1:26–27 is well-known:

[26] ויאמר אלהים נעשה אדם בצלמנו כדמותנו וירדו בדגת הים ובעוף השמים ובבהמה ובכל הארץ
ובכל הרמש הרמש על הארץ [27] ויברא אלהים את האדם בצלמו בצלם אלהים ברא אתו זכר ונקבה
ברא אתם

[26] God said, "Let us create humanity in our image, according to our likeness, so that they may rule over the fish of the sea, the birds of the air, the beasts, and all the earth, including the earth's creeping things." [27] So God created the human species in his image: in the divine image he created it, creating them male and female.

These lines highlight the social role of the divine image and the power relations it entails: just as the deity is conceptualized as a ruler, so too are his human counterparts. As has long been observed, the morphosyntax of וירדו in Gen 1:26b underscores this point: "*so that they may rule …*"

Yet even as the divine image's functional implications are highlighted in Gen 1:26–27, it should not be shorn of its physical/morphological sense, as some have suggested.[16] A variety of evidence supports this conclusion. Most

[13] See, e. g., Richmond et al., "Facial Genetics." Bird appears to understand the likeness of Gen 5:3 and the successive generations enumerated in the chapter as one of type (i. e., related to species), not family resemblance ("'Male and Female He Created Them,'" 139n23).

[14] For an overview of the preserved visual culture of ancient Israel and Judah, see Uehlinger, "Visual Culture and Religion."

[15] On the Neo-Assyrian (likely 7th century) dating of P, see, e. g., Stackert, "Political Allegory." On Akkadian influence in P, see, e. g., Stackert, *Deuteronomy and the Pentateuch*, 104–105. The divine image language of P has often been linked to similar language and ideas in both Egyptian and Mesopotamian sources. For a recent review of the evidence, see Schellenberg, *Der Mensch, das Bild Gottes?*, 98–113. Note that Bird discounts both Egyptian and Akkadian influence in Gen 1 ("'Male and Female He Created Them,'" 143).

[16] See, e. g., Bird, "'Male and Female He Created Them,'" 139–40. Bird considers the "image"

importantly, the Hebrew noun צלם regularly carries a physical connotation, and its pairing in Gen 1:26 with the noun דמות, likeness, which similarly conveys physicality, underscores this sense.[17] More generally, ancient Near Eastern representations of deities, both visual and textual, support the claim that a morphological similarity was understood to exist between humans and gods. Gods were regularly depicted in humanoid form and can often be distinguished from humans only by their size and accoutrement.[18] A claim to morphological correspondence between gods and humans is thus fully consistent with P's larger cultural milieu.

These details suggest that the likeness indicated by the divine image should be understood as typical and not one of precise resemblance. Confirming this assessment is the distinction that the divine image creates between humans and other creatures, a distinction that adheres equally for both male and female humans. Many have struggled to make sense of Gen 1:27's reference to biological sex in relation to the divine image, leading, for instance, to speculation concerning the sex of the deity and whether it might be understood as a combination of male and female.[19] Yet once it is realized that the divine image refers to typical similarity, such speculations can be set aside. Male and female humans share precisely those features of body morphology that distinguish them from (nonhuman) animals and align them with the divine physique – a head, two arms, two legs, an upright stance, and the like.[20] The delineation of humans as male and

---

an empty metaphor; nonetheless, see her helpful review and critique of other suggestions for understanding the image.

[17] For detailed discussion, see, e.g., Koehler, "Grundstelle," 18–19; Sommer, *Bodies of God*, 69–70; and esp. Schellenberg, *Der Mensch, das Bild Gottes?*, 72–84.

[18] See, e.g., Smith, "Divine Form and Size"; Smith, "Like Deities, Like Temples (Like People)."

[19] See, e.g., de Moor, "Duality in God and Man," 122–25. For arguments against this view different from those presented here, see, e.g., Bird, "Sexual Differentiation," 16–17; Garr, *In His Own Image*, 89–90.

[20] For upright stance, see already Koehler, "Grundstelle," 19–20: "Es gibt etwas, was den Menschen von allem Geschaffnen, namentlich von allen sonstigen Lebewesen unterscheidet, das im Altertum schon beachtet wurde, das noch heute die Aufmerksamkeit der Naturforscher und Naturbetrachter findet und das zugleich den Menschen aus den übrigen Lebewesen so heraushebt, daß es ihn neben Gott [und die Götter] so, wie ihn sich das Alte Testament dachte, rückt. *Dies ist die aufrechte Gestalt des Menschen*" (emphasis in original). Benjamin D. Sommer suggests that the divine form, like the human one, consists of "roughly, a head, two arms, two legs" (*Bodies of God*, 70).

A reflex of the same interest in bodily typicality in P appears in its rules that prohibit priests who have physical deformities from participating in cultic service (Lev 21:16–24). What these rules add to Gen 1 is a sense of the *extent* of bodily typicality imagined by P's authors. Voiced as the deity's instructions concerning his cult, Lev 21:16–24 express YHWH's preferences and expectations for those who come into closest proximity to him. These verses suggest that a typical human body not only has two arms, two legs, and an upright stance. It is also free of defects, which is what blemishes are imagined to be in Lev 21, namely, malformations in relation to a standard. This typical body form is the one in which humans were created and that, according to Gen 1, the deity judged "good." It is an ideal human form and probably should be understood

female in Gen 1:27 can thus be understood simply as part of the empiricism of P's creation account.[21] Just as P's authors accounted for the other major features of the world that they observed, including the existence of sea and dry land, the luminaries and their movements, and the combination of birds, fish, animals, and humans on earth, they also described the two human sexes that they observed, including their shared body morphology.[22]

In a number of respects, the uses of צלם and דמות in Gen 1:26–27 stand in contrast with the identical language that appears in Gen 5:3.[23] In the latter verse, it is Adam's image and likeness that is replicated, not the deity's; moreover, no notion of rulership is implied in relation to Adam's image. The line instead concerns biological reproduction:

ויחי אדם שלשים ומאת שנה ויולד בדמותו כצלמו ויקרא את שמו שת

Adam lived 130 years, and he begat [a son][24] in his likeness, according to his image, and he called his name Seth.

Given the focus on reproduction in this case, the likeness and image here are most straightforwardly understood to refer to inherited physical resemblance.[25] The son, Seth, is described as bearing similar physical traits (presumably facial features, in particular) to those of his father, Adam. Moreover, this line stands at the beginning of a genealogy that extends across the chapter, and though its reference to begetting "in the image/likeness" of the progenitor is not repeated for every generational transition enumerated, it should likely be understood as the norm for each successive generation.[26] In other words, the biblical authors

---

as related to the divine image of P's creation. For discussion of the priestly blemishes and their conceptualization, see Schipper and Stackert, "Camouflage."

[21] See esp. Halpern, "Assyrian Astronomy."

[22] This means that, inasmuch as it has nothing to do with biological sex, the divine image in males and females is entirely consistent with P's general characterization of YHWH as a male deity. To be sure, Priestly authors recognized physical differences between males and females (for humans, see, e. g., Lev 12, 15; for animals, see, e. g., Gen 6:19; 7:9, 16: Lev 3:1, 6). The physical features highlighted in their discussion of the divine image are of a more general nature and thus shared equally by males and females.

[23] Some scholars have understood these texts (along with Gen 5:1) to be consonant with each other. See, e. g., Schellenberg, "Humankind," 101n14.

[24] The omission of בן in MT is likely due to parablepsis, with the scribe's eye skipping from the *bêt* in בן to that in בדמות (*pace* Speiser, *Genesis*, 40; Westermann, *Genesis 1–11*, 346). Compare the formulation in Gen 5:28b–29a (with singular בן).

[25] Contrast the argument of Jeffrey H. Tigay ("'He Begat a Son in His Likeness after His Image'"), who has suggested on the basis of comparative evidence and later Jewish interpretation that the resemblance described in Gen 5:3 refers to a human appearance rather than an inhuman (anomalous, animal-like, monstrous) one. As Tigay admits, the evidence for this view is hardly apparent within the biblical text.

[26] A conventional feature of P's narration is to offer an initial, fuller description of a phenomenon and an abbreviated one in subsequent, similar instances. For examples, see P's description of the sign after the Flood (Gen 9:12–17) in comparison with its subsequent references to

here presented precise physical resemblance as a regular feature of biological reproduction, like the omen text cited above does.

The difference between the image language in Gen 1:26 and 5:3 is clear, then, and maps onto the larger relational concepts each verse has in view. The first concerns rulership, and the image associated with it is a typical likeness. The second imagines familial relations, in which case the likeness is one of precise physical resemblance. This distinction and, in particular, the association of the ruling image with the deity, fits well with the larger P work to which these verses belong. While the image of the Israelite deity as father is attested in other biblical texts, including in pentateuchal texts (e. g., Deut 1:31; 8:5; 14:1), it does not feature in P. Pentateuchal Priestly texts instead consistently portray the deity as a ruler.[27]

III. Family Resemblance in Neo-Assyrian Art?

In light of the Neo-Assyrian and Judean evidence surveyed here, we may turn back to the questions posed at this study's outset: do Neo-Assyrian royal images (merely) represent the typical, or might they also accurately depict the physical characteristics of the figures represented? Owing to the circumstances of Neo-Assyrian kingship, the omen text K 105+Sm 688 and Gen 5:3, with their shared emphasis upon hereditary resemblance, are especially relevant for answering these questions. Neo-Assyrian kingship was characterized by familial dynastic succession, and kings regularly emphasized their genealogical ties as a form of legitimation. Even on occasions when conventional succession protocols were disrupted, as they were with Tiglath-Pileser III and Sargon II, the throne remained within the royal family.[28]

Given these dynastic norms, the precise similarities among Assyrian royal images admit of a different explanation than scholars have offered: instead of representing only the typical, these images may (and likely do) reflect real physical resemblances and, as such, verisimilitude in representation. This is particularly the case for the images of Assurnasirpal II and Shalmaneser III that Winter highlights – images of a biological father and son. Winter explicitly draws a contrast between these kings' images, with their physiognomic similarities,

---

divinely-imposed signs (e. g., Gen 17:11; Exod 12:13; Exod 31:17). Another, more localized instance appears in P's plague account. There P employs the locution ויעשו כן ("they did so"), followed by an elaboration of what was done and its effect, in Exod 7:10, but in its subsequent uses of ויעשו כן, it often omits the elaboration. For further discussion, see Stackert, "Pentateuchal Coherence," 264–65.

[27] For discussion of the Priestly conceptualization of the deity as a ruler, see, e. g., Schipper and Stackert, "Camouflage."

[28] See Pongratz-Leisten, "Genealogien als Kulturtechnik," 85. See also Radner, "Assyrian and Non-Assyrian Kingship," 26–27; Radner, "Revolts in the Assyrian Empire," 54; Radner, "Trials of Esarhaddon," 166; Parker, "Construction and Performance of Kingship," 366–67.

and the "remarkably consistent images" of the third millennium ruler Gudea of Lagash. While "it was the particular royal physiognomy that inspired the resulting image" of Gudea – namely, a distinctive chin – Winter claims, "In the case of Assurnasirpal II of Assyria, in fact, not even an idiosyncratic chin separates his images from those of his son, Shalmaneser III."[29]

Yet according to the argument offered here, no such difference need be expected between images of Assurnasirpal and those of Shalmaneser; in fact, the opposite might even be the case. This is because, as father and son, Assurnasirpal and Shalmaneser can reasonably be expected to have borne physiognomic resemblances. So too could the images of other Neo-Assyrian kings be expected to exhibit a familial likeness, given that these kings were often close biological relations.

A helpful analogy may be drawn to the portraits of the Spanish Habsburgs (16th–17th c.), which feature the well-known "Habsburg jaw" (mandibular prognathism) related to this ruling family's practice of consanguineous marriage.[30] The pronounced jawline in the Habsburgs' portraits is similar to what Winter terms the "signature element" of Gudea's images: each is a distinctive physical characteristic unlikely to be attributed to a figure who did not, in fact, bear it. Yet, notably, the Habsburg jaw appears both in different portraits of a single individual and in those of multiple, consanguinally-related Spanish Habsburgs. As such, it represents a physiognomic similarity in representations akin to the precise resemblance observable in images of Assurnasirpal and Shalmaneser: each is reasonably understood to reflect hereditary likeness, even if the Neo-Assyrian examples do not highlight a distinctive physical characteristic or malformation.

The issue of reception, moreover, is one to be considered not only in contemporary evaluations of Assyrian images but also in their original settings. Regardless of whether ancient viewers of this art were, in fact, familiar with the physiognomic characteristics of any particular king, the biological relationship between kings was a well-known element of their dynastic rule. Precise resemblances in artistic representations of Assyrian kings – either of the same king or different kings – were therefore almost certainly *interpreted* by their viewers as family resemblances. Accordingly, the images themselves, with their substantial similarities, were likely understood as accurate representations of royal physiognomy.

In this sense, hereditary succession created a dynamic relationship – even an overlap – between typicality and verisimilitude in the representation of Assyrian kings. Just as the distinctive jawline could be recognized as a typical feature of the Habsburg family, physiognomic resemblances among Assyrian kings could be understood as a feature of the royal type. If this argument is correct, such resem-

[29] Winter, "Art *in* Empire," 84.
[30] Hodge, "Medical History."

blances likely contributed to the visual rhetoric of rulership so prominently deployed in Assyrian art. Put plainly, for (biologically-related) Assyrian rulers, to look *like each other* was to look *like kings*.

IV. Conclusion

By way of conclusion, it is useful to reflect briefly on the classification of ancient visual culture. In particular, the foregoing observations raise anew the question of the applicability of the category of portraiture to Neo-Assyrian figural art. Some have argued that an equivalent to the modern portrait was unknown in ancient societies;[31] others, including Winter, have argued that ancient figural representations like those from Assyria can be understood as portraits only insofar as they are typical depictions.[32] This is because, as art historians have observed, the hallmark of portraiture is a dynamic interplay between accurate resemblance and stylized type in its depiction of a subject. This interplay, according to Shearer West, is in one sense an unavoidable concession: "The drive for likeness in much portraiture must be balanced against the limitations of representation, which can only offer a partial, abstracted, generic, or idealized view of any sitter."[33] But such limitation also affords specific opportunities, both in artistic production and its reception. Specifically, it allows in portraiture a prioritization of social and political values that might otherwise be more difficult to convey if full mimesis were possible. It also facilitates a shift with respect to the viewer's recognition and, with it, the effectiveness of portrait art. If accurate representation is the portrait's goal, only the viewer with previous knowledge of its subject can judge its success. If the typical is prioritized, by contrast, the importance of verisimilitude is downgraded, and a portrait can achieve its effect through broad cultural awareness rather than specific knowledge.[34]

When considered in relation to Neo-Assyrian art and both Neo-Assyrian and Judean descriptions of figural representation and resemblance, this theorization suggests that portraiture was already a substantially realized (if unnamed) genre of ancient Near Eastern visuality. Stylized typicality and precise physical resemblance each played a constitutive role in royal visual representation; they even worked together to code the figures depicted as kings. As argued above, general cultural knowledge of Neo-Assyrian rulership – namely, its dynastic or-

[31] For example, Andreas Schüle characterizes the portrait as "a concept that was hardly known in the ancient world" ("Made in the 'Image of God'," 10). For discussions of ancient portraiture in Greek and Roman contexts, see, e.g., Richter, *The Portraits of the Greeks*; Keesling, *Early Greek Portraiture*; Toynbee, *Roman Historical Portraits*.

[32] Winter, 267–68.

[33] West, *Portraiture*, 24.

[34] Winter, "Portrait," 266–67.

ganization – likely contributed to the reception of its royal images as precise likenesses of the kings represented. In the end, what resulted was a prioritization of the typical in Assyrian art, much as in modern portraiture; at the same time, verisimilitude remained an important representational value, both visually and rhetorically.

Bibliography

Abusch, Tzvi. "The Socio-Religious Framework of the Babylonian Witchcraft Ceremony *Maqlû*: Some Observations on the Introductory Section of the Text, Part I." Pages 219–47 in *Mesopotamian Witchcraft: Toward a History and Understanding of Babylonian Witchcraft Beliefs and Literature*. AMD 5. Leiden: Brill/Styx, 2002.

–. "The Socio-Religious Framework of the Babylonian Witchcraft Ceremony *Maqlû*: Some Observations on the Introductory Section of the Text, Part II." Pages 249–69 in *Mesopotamian Witchcraft: Toward a History and Understanding of Babylonian Witchcraft Beliefs and Literature*. AMD 5. Leiden: Brill/Styx, 2002.

–. "*Maqlû*: A Schematic Summary." Pages 287–92 in *Mesopotamian Witchcraft: Toward a History and Understanding of Babylonian Witchcraft Beliefs and Literature*. AMD 5. Leiden: Brill/Styx, 2002.

–. *The Magical Ceremony* Maqlû*: A Critical Edition*. AMD 10. Boston: Brill, 2015.

–. *Further Studies on Mesopotamian Witchcraft Beliefs and Literature*. AMD 17. Boston: Brill, 2020.

Bahrani, Zainab. *The Graven Image: Representation in Babylonia and Assyria*. Archaeology, Culture, and Society. Philadelphia: University of Pennsylvania Press, 2003.

Bird, Phyllis A. "'Male and Female He Created Them': Gen 1:27b in the Context of the Priestly Account of Creation." *HTR* 74 (1981): 129–60.

–. "Sexual Differentiation and Divine Image in the Genesis Creation Texts." Pages 11–34 in *Image of God and Gender Models in Judaeo-Christian Tradition*. Edited by Kari Elisabeth Børresen. Oslo: Solum Forlag, 1991.

Böck, Barbara. *Die babylonisch-assyrische Morphoskopie*. AfO 27. Wien: Institut für Orientalistik der Universität Wien, 2000.

de Moor, Johannes C. "The Duality in God and Man: Gen. 1:26–27 as P's Interpretation of the Yahwistic Creation Account." Pages 112–25 in *Intertextuality in Ugarit and Israel: Papers Read at the Tenth Joint Meeting of the Society for Old Testament Study and Het Oudtestamentisch Werkgezelschap in Nederland en België, Held at Oxford, 1997*. Edited by Johannes C. de Moor. Leiden: Brill, 1998.

Feldman, Marian H. *Communities of Style: Portable Luxury Arts, Identity, and Collective Memory in the Iron Age Levant*. Chicago: University of Chicago Press, 2014.

Garr, W. Randall. *In His Own Image and Likeness: Humanity, Divinity, and Monotheism*. CHANE 15. Boston: Brill, 2003.

Gaspa, Salvatore. "The King's Body in Assyria as a Vehicle of Political, Religious, and Wisdom Communication." Pages 79–106 in *The Body of the King: The Staging of the Body of the Institutional Leader from Antiquity to the Middle Ages from East to West: Proceedings of the Meeting held in Padova, July 6th–9th, 2011*. Edited by Giovanni B. Lanfranchini and Robert Rollinger. History of the Ancient Near East/Monographs 15. Padova: S.A.R.G.O.N. Editrice e Libreria, 2016.

Gaspa, Salvatore. *Textiles in the Neo-Assyrian Empire: A Study of Terminology*. SANER 19. Berlin: de Gruyter, 2018.

Halpern, Baruch. "The Assyrian Astronomy of Genesis 1 and the Birth of Milesian Philosophy." *EI* 27 (Hayim and Miriam Tadmor Volume) (2003): 74*–83*.

Hodge, Gerald P. "A Medical History of the Spanish Habsburgs: As Traced in Portraits." *Journal of the American Medical Association* 238 (1977): 1169–74.

Holloway, Steven W. *Aššur is King! Aššur is King!: Religion in the Exercise of Power in the Neo-Assyrian Empire*. CHANE 10. Boston: Brill, 2002.

Keesling, Catherine M. *Early Greek Portraiture: Monuments and Histories*. New York: Cambridge University Press, 2017.

Koehler, Ludwig. "Die Grundstelle der Imago-Dei-Lehre, Genesis 1, 26." *ThZ* 4 (1948): 16–22.

Kraus, Fritz Rudolf. *Texte zur babylonischen Physiognomatik*. AfO 3. Berlin: Im Selbstverlage des Herausgebers, 1939.

Ornan, Tallay. "In the Likeness of Man, Reflections on the Anthropocentric Perception of the Divine in Mesopotamian Art." Pages 93–151 in *What is a God? Anthropomorphic and Non-Anthropomorphic Aspects of Deity in Ancient Mesopotamia*. Edited by Barbara Nevling Porter. The Casco Bay Assyriological Institute Transactions 2. Winona Lake, Ind.: Eisenbrauns, 2009.

Parker, Bradley J. "The Construction and Performance of Kingship in the Neo-Assyrian Empire." *Journal of Anthropological Research* 67 (2011): 357–86.

Pongratz-Leisten, Beate. "Genealogien als Kulturtechnik zur Begründung des Herrschaftsanspruchs in Assyrien und Babylonien." *State Archives of Assyria Bulletin* 11 (1997): 75–108.

Radner, Karen. "Trials of Esarhaddon: The Conspiracy of 670 BC." *Isimu: Revista sobre Oriente Proximo y Egipto en la antigüedad* 6 (2003): 165–84.

–. "Assyrian and Non-Assyrian Kingship in the First Millennium BCE." Pages 15–24 in *Concepts of Kingship in Antiquity: Proceedings of the European Science Foundation Exploratory Held in Padova, November 28th–December 1st, 2007*. Edited by Giovanni B. Lanfranchini and Robert Rollinger. History of the Ancient Near East/Monographs 11. Padova: S.A.R.G.O.N. Editrice e Libreria, 2010.

–. "Revolts in the Assyrian Empire: Succession Wars, Revolts Against a False King and Independence Movements." Pages 41–54 in *Revolt and Resistance in the Ancient Classical World and the Near East: In the Crucible of Empire*. Edited by John J. Collins and J.G. Manning. CHANE 85. Leiden: Brill, 2016.

Richmond, Stephen, Laurence J. Howe, Sarah Lewis, Evie Stergiakouli, and Alexei Zhurov. "Facial Genetics: A Brief Overview." *Frontiers in Genetics* 9 (2018): 1–21 (article 462).

Richter, Gisela M.A. *The Portraits of the Greeks*. London: Phaidon Press, 1965.

Schellenberg, Annette. "Humankind as the Image of God: On the Priestly Predication (Gen 1:26–27; 5:1; 9:6) and its Relationship to the Ancient Near Eastern Understanding of Images." *ThZ* 65/2 (2009): 97–115.

–. *Der Mensch, das Bild Gottes?: Zum Gedanken einer Sonderstellung des Menschen im Alten Testament und in weiteren altorientalischen Quellen*. AThANT 101. Zürich: Theologischer Verlag Zürich, 2011.

Schipper, Jeremy. *Disability Studies and the Hebrew Bible: Figuring Mephibosheth in the David Story*. LHBOTS 441. New York: T&T Clark, 2006.

Schipper, Jeremy, and Jeffrey Stackert. "Blemishes, Camouflage, and Sanctuary Service: The Priestly Deity and His Attendants." *HBAI* 2 (2013): 458–78.

Schüle, Andreas. "Made in the 'Image of God': The Concepts of Divine Images in Gen 1–3." *ZAW* 117 (2005): 1–20.

Smith, Mark S. "Divine Form and Size in Ugaritic and Pre-exilic Israelite Religion." *ZAW* 100 (1988): 424–27.

–. "Like Deities, Like Temples (Like People)." Pages 3–27 in *Temple and Worship in Biblical Israel*. Edited by John Day. LHB/OTS 422. London: T&T Clark, 2005.

Sommer, Benjamin D. *The Bodies of God and the World of Ancient Israel*. New York: Cambridge University Press, 2009.

Speiser, Ephraim A. *Genesis: A New Translation With Introduction and Commentary*. AB 1. Garden City, NY: Doubleday, 1964.

Stackert, Jeffrey. "Pentateuchal Coherence and the Science of Reading." Pages 253–68 in *The Formation of the Pentateuch: Bridging the Academic Cultures of Europe, Israel, and North America*. Edited by Jan C. Gertz et al. FAT 111. Tübingen: Mohr Siebeck, 2016.

–. "Political Allegory in the Priestly Source: The Destruction of Jerusalem, the Exile, and their Alternatives." Pages 211–26 in *The Fall of Jerusalem and the Rise of the Torah*. Edited by P. Dubovský, D. Markl, and J.-P. Sonnet. FAT 107. Tübingen: Mohr Siebeck, 2016.

–. *Deuteronomy and the Pentateuch*. AYBRL. New Haven: Yale University Press, 2022.

Thomason, Alison. "The Materiality of Assyrian Sacred Kingship." *Religion Compass* 10 (2016): 133–48.

Tigay, Jeffrey H. "'He Begat a Son in His Likeness after His Image' (Genesis 5:3)." Pages 139–47 in *Tehillah le-Moshe: Biblical and Judaic Studies in Honor of Moshe Greenberg*. Edited by Mordechai Cogan, Barry L. Eichler, and Jeffrey H. Tigay. Winona Lake: Eisenbrauns, 1997.

Toynbee, Jocelyn M. C. *Roman Historical Portraits*. Ithaca: Cornell University Press, 1978.

Uehlinger, Christoph. "Visual Culture and Religion in Ancient Israel and Judah." Pages 434–63 in *The Ancient Israelite World*. Edited by Kyle H. Keimer and George A. Pierce. Abingdon, Oxon; New York: Routledge, 2022.

West, Shearer. *Portraiture*. New York: Oxford University Press, 2004.

Westermann, Claus. *Genesis 1–11: A Commentary*. Translated by John J. Scullion. Continental Commentaries. Minneapolis: Augsburg, 1984.

Winter, Irene J. "What/When is a Portrait?: Royal Images of the Ancient Near East." *Proceedings of the American Philosophical Society* 153 (2009): 254–70.

–. "Art *in* Empire: The Royal Image and the Visual Dimensions of Assyrian Ideology." Pages 71–108 in vol. 1 of *On Art in the Ancient Near East*. CHANE 34. 2 volumes. Leiden: Brill, 2010.

The Status of Women in the Hittite Cult as Mirrored in Royal Ideology and Prescribed Rituals

Ada Taggar Cohen

I. Introduction

Women's status in rituals can be seen as a reflection of their status in society.[1] Scholars have used textual and iconographic evidence to study women in ancient societies in an attempt to understand their legal status and their roles in society. Current studies on women in the ANE suggest that in many cases their legal status was inferior to that of men, as these societies tended to be patriarchal. At the same time, in some ANE cultures women took on an active role in the cult, and in many places were the high priestesses of their kingdoms.[2]

In the Hittite society too, we find the priesthood accommodating priestesses in a very active way, from the highest echelons of the priesthood to the local temples. In the volume edited in 2018 by Stephanie Lynn Budin and Jean MacIntosh Turfa, entitled *Women in Antiquity*, Billie Jean Collins contributed the chapter on "Women in Hittite Religion". She submitted a meticulous survey of females mentioned in the Hittite texts such as priestesses, diviners, and more, and their relation with sacrifice and impurity. However, she left the question of whether there was indeed a concept of cultic gender among the Hittites open for further study.[3] The texts show that women in the cult, even though they perform similarly to male cultic personnel, are gendered. They are presented as females in their actions, and some of their roles derive from the fact that they are females. I will discuss this in the following.

---

[1] This article is a small token of appreciation to Professor David P. Wright, whose study on the Hittites and the Hebrew Bible was most influential in my attempt to understand the background of the biblical priestly writings.

[2] An overview of women in ANE can be found in Stol, *Women in the Ancient Near East*. Also, James and Dillon, *A Companion to Women in the Ancient World*. And Melville, "Royal Women and the Exercise of Power in the Ancient Near East," 219–28.

[3] Collins, "Women in Hittite Religion," 329–30. She focused on the question "Can we then speak of religious parity between the sexes?", answering as follows: "Perhaps not. We need only note that the number of professional religious titles for men far exceeds that for women (Pecchioli-Daddi 1982). Moreover, we know little about how women came to their religious roles, and there we might find our patriarchy strongly in play." Collins, "Women in Hittite Religion," 338–9.

II. How were Hittite Women Perceived in Society in General?

The focus of this article is on the Hittite women in the cult, but, as stated previously, this status cannot be separated from their status in Hittite society at large. In the above-mentioned volume edited by Budin et al., Trevor R. Bryce presented material which reveals the separation between ordinary women and elite women (of which our knowledge is more extensive). The ordinary women's status is reflected mainly in the text of the "Hittite Laws" (CTH 291–292).

The Hittite collection of about two hundred laws, drafted around the mid-second millennium BCE in the Hittite language on cuneiform tablets, provides an insightful look at Hittite society.[4] Interestingly they include many laws that relate to males and females equally, while also treating females in a separate category in matrimonial law. The first three laws of the collection are as follows: "[If] anyone kills [a man] or a woman in a [quarr]el, he shall [bring him/her] for burial …" / "[If] anyone kills a [male] or a female slave in a quarrel he shall bring him/her (for burial) and shall give [2] persons (lit. heads) male or female respectively …".[5] And law 6 reads: "If a person, man or woman, is killed in another(?) city, (the victim's heir) shall deduct 12,000 square meters (= 3 acres) from the land of the person on whose property the person was killed and shall take it for himself."[6] Important as well is the compensation for causing a miscarriage of a baby in Law 17. Law 24 illustrates the difference in wages between men and women for physical work. In the case of divorce, the man was awarded larger parts of the household, including the children. Still, the woman always received some parts of the household as well as one or more of the children (Laws 31–33).

In the above-mentioned laws, the female status was projected in two ways: as part of a patriarchal society in which she was inferior to the male, and as appearing in a large number of laws which refer to male and female using the same language, and with the same or almost the same punishment for transgressions.

In terms of linguistic usage, in cases where male/female or man/woman appear, the following words can be found written: Sumerographically LÚ = in Hittite *antuḫša-* or *pišeni-* for 'man' / 'male',[7] and Sumerographically MUNUS =

[4] For the latest edition of the texts of the laws see Hoffner, *The Laws of the Hittites*. The main topics of the legal collection are homicide, injuries, kidnapping, runaway slaves, land administration, marriage, theft, animal injuries, fire, prices and wages, and sexual conduct. See also Taggar Cohen, "Divine Law: The Hittite Laws in Light of the Hebrew Bible Legal Texts."

[5] Hoffner, *The Laws of the Hittites*, 17–18.

[6] Interestingly, a later version of this specific law shows a decline in the status of the female as compensation differs between male and female for the male: "[i]f a man is found killed on another person's property, if he is a free man, (the property owner) shall give his property, house, and 60 shekels of silver. But if (the dead person) is a woman, (the property owner) shall give (no property, but) 120 shekels of silver." Hoffner, *The Laws of the Hittites*, 20 (KBo 6.4i).

[7] For *antuḫša-*, see Puhvel, *HED,* 1&2:79–83. For *peša-/pišeni-*, see Puhvel, *HED,* 9:37–45.

in Hittite *kuwan*[*a*]- for 'woman'/'female', 'wife'.[8] This also applied to gods of both sexes. DINGIR.MEŠ *pišeniš* 'male deities'//DINGIR.MEŠ *kuwaššeš* 'female deities.' There was also a clear understanding that women were not as strong as men, and their wages for harvesting were about half of a man's wage (Law 158). In addition, we also find that there was complete control over women's marriage and sexual behavior as part of their connection to the household (Laws 189–198). These laws were based entirely on the male in society's point of view. Pringle, in her dissertation on Hittite kinship, summarized her results as follows:

> We conclude that, despite an obvious dominance by men in most aspects of Hittite life, there was a notable cooperation of men and women not only in their domestic economy, indicative of a bilateral kinship system, but also in the sphere of socio-religious activity, which resembled marital cooperation.[9]

The ideas and the methods regarding the study of gender in the ANE have been extended in the last decade, as witnessed by the numerous and diverse publications on this topic.[10] The directions that the study has taken in recent years can be seen vividly in the introduction to the volume *Sex in Antiquity: Exploring Gender and Sexuality in the Ancient World.*[11] The editors conclude that "the separation of sex and gender was accomplished by the hard work of denaturalization or de-essentialization. Gender norms are produced: they are not the inevitable consequences of physical bodies. And they importantly have ideals of sexual behavior and norms inscribed in and on them."[12]

Unfortunately, in contrast to the flow of textual evidence from Mesopotamian societies, the Hittite material is restricted mostly to the royal house and the high echelons of society, thus our understanding of kinship is biased towards elite members of the Hittite kingdom.[13] Furthermore, we have more information on the priestly functions of the females of the royal family than on the priestesses of local cult centers. This information is gathered from administrative texts dealing with different temples in the kingdom or with administrative records prescribing rituals and festivals.[14]

---

[8] Puhvel, *HED,* 4: 306–8. See also Süel and Weeden, "Mrs Woman(?): A Busy Hittite Lady from Ortaköy: Possible Evidence for the Hittite word for 'Woman'," 984–1004.

[9] Pringle, "Hittite Kinship and Marriage," 2.

[10] Among some of the recent publications are: Svärd and Garcia-Ventura, *Studying Gender in the Ancient Near East.* Budin et al. , *Gender and Methodology in the Ancient Near East.* Peled, *Law and Gender in the Ancient Near East and the Hebrew Bible.* Solvang, *A Woman's Place is in the House.* Svärd, *Women and Power in Neo-Assyrian Palaces.* More are mentioned below.

[11] Masterson et al., *Sex in Antiquity: Exploring Gender and Sexuality in the Ancient World*, 5–7.

[12] Masterson et al., *Sex in Antiquity: Exploring Gender and Sexuality in the Ancient World*, 7.

[13] There is also the question of whether a large part of the population in the new Hittite kingdom was composed of Luwian speakers and thus had Luwian culture. For a recent reference, see Van den Hout, *A History of Hittite Literacy*, 174–76.

[14] See Taggar-Cohen, *Hittite Priesthood*, esp. the chapter on the AMA.DINGIR-*LIM*-priestess.

Concerning the Hittite cult, however, it is important to understand that our knowledge is gathered from administrative cultic texts, manuals of festivals and rituals, and very rarely from personal correspondence, such as letters or legal/court documents. Still, there is some possible interpretative room for presenting the priestesses as the female partner (not necessarily the legal wife) of the temple personnel. Before discussing the textual evidence, I would like to say a few words regarding the Hittite iconography.

II.1 A Short Reference to the Iconographic Representation of Females in the Hittite Cult

Although this article focuses on textual evidence, it is important to note that Hittite iconography presents mainly the divine world, the royals in their official posture, and some scenes of festivals, which include the leading royals as cult officiators together with cult personnel.[15] The quantity of scenes is limited compared with Mesopotamian and Egyptians iconography. Also, the distribution of the evidence in different time periods, from around the 16th century to the 12th century BCE, should be taken into consideration, although the general characteristics of the Hittite artistic forms can be seen throughout that long period. Most of the iconography appears in connection with worship, and thus is actually a cultic presentation. There is a clear gender distinction between male and female in the iconography. While the females were always dressed in long dresses, and their hair not necessarily covered, goddesses may have worn a crown on their heads such as in Yazılıkaya,[16] but in general their appearance manifested the female gender. The royal women appeared dressed similarly to the female deities.[17] Likewise the royal male, who is modeled on male deities, can be seen in two major types of costume: 1) As a warrior in a short, knee-level skirt with a weapon: a short sword at the waist and sometimes a bow or another weapon carried on the shoulder. 2) A long celebrative robe, with a staff held on one side of the waist, and a cap on the head, an earring, probably golden, hanging from the ear.[18] That iconography shows how the Hittites observed females and males in a

[15] The best overview of this iconography is still Van Loon, *Anatolia in the Second Millennium B.C.* Other newer publications relating to iconography but not as comprehensive as van Loon's, deal with specific monuments and artifacts such as the large vases from Hüseindede, Inandik Tepe, and monumental rock carving from Yazılıkaya, Eflatun Pinar, Alaça Huyük, Fıraktın and more.

[16] For a very detailed recent study of the cult center of Yazılıkaya with large and accurate photos, see Seeher, *Gods Carved in Stone*. For Eflatun Pınar, see Bachmann and Sirri, "Das Quellheiligtum Eflatun Pınar," 85–122.

[17] For a similar tendency in early Mesopotamian art see Suter, "Between Human and Divine," 338–41.

[18] To this should be added the administrative cultic texts which describe the establishment of new local shrines/temples, where the statues installed in those temples are described in detail, as part of an inventory. For example, a male deity (KUB 38.1+ ii 1′ –6′): "Town of Wiyanawanta.

gendered way but at the same time was certainly connected with the biological sex of the individuals pictured. A woman was supposed to bear children, and as such was part of the social construction of the family and the household. This can already be seen in Anatolian art of the beginning of the second millennium with the Kültepe and Alishar triad of father, mother, and daughter.[19] The idea of the household may also be interpreted in the Yazılıkaya presentation of the divine assembly, where in the central scene of the pantheon we find the Storm-god Teššub with the goddess Ḫebat, his consort, and behind her the figure of their son the god Šarruma. On the right side of Ḫebat, along the walls, are the goddesses, and on the left side of Teššub are the gods.

The concept of the female as part of the household, the family, can also be seen in the cult through the activities ascribed to the priestesses, royal and non-royal. It would be thus interesting to present the Hittite woman in her cultic context as part of a framework that is built upon the household concept. It is crucial to see the female in the family and household in light of the format described for the divine world.[20]

II.2 The Woman in Hittite Patriarchal Society, the Family, and the Household

The woman in Hittite society was part of a patriarchal household. As such she was obliged to be faithful to the household, as we find in other societies of ancient Near Eastern cultures.[21] The theme of household and its place in society has been

---

Stag God of the Country[side: the divine image] is 1 statuette of gold, of a man, [stand]ing; [he] wea[rs] a (conical horned) helmet, in his right hand he holds a golden bow, [in his] left [hand] he holds a golden eagle (and) a golden hare, (He has?) 1 golden dagger, with golden fruits attached. He stands on a stag of gold, (standing) on (all) four (legs)." And for a female deity (KUB 38.3 i 9–18): "The Goddess Išḫašḫuriya of the town Tiliura: the divine image is 1 statuette of wicker, of a seated woman, plated with silver, (it is) 1.5 short cubits in height; 1 silver head circlet, (with) 5 fruits of gold on (it); 8 necklaces of gold-of which 3[?] (are) of silver-on her neck; 6 (sun) disks of gold-of which 2 (are) of silver-on the [godd]ess' breast; 3 pairs of earrings- [in which 1 (pair)] of gold and 2 (pairs) of ZALAG-stone are included-at her ears; 3 pairs of festive garments, of which 1 (pair is) yellow, 1 (pair is) red, and 1 (pair is) of (the color of) ZALAG-stone. They used to give (it) from the king's house, and now they have already given (it)." Translation by Cammarosano, *Hittite Local Cults*, 310–11, 322–23.

[19] Van Loon, *Anatolia in the Second Millennium* B.C., Plate I, a and c, with p. 37.

[20] The scholarly idea that the divine world does not represent the human world, is to my opinion incorrect, since there are too many instances in which the texts either try to correlate deities and humans or to place them together in order to achieve a certain goal. I disagree with Beckman's words: "There is no necessary correlation between the social status of human women and the position of female divinities within the religious system professed by their culture. The human and the divine are entirely different in essence and functioning, even if men and women often think about their deities by means of analogies to the human body, emotions, and experience," in Beckman, "Females as Source of Authority in Hittite Government and Religion," 145. It seems to me that in this regard Beckman is not considering the *legal construction* of the patriarchal household, which is reflected in the conception of the Hittite divine world, which I shall discuss in the following.

[21] See Stol, *Women in the Ancient Near East*, 147–64 (especially the chapter on the family).

studied carefully and methodically, as well as applied to the different ancient Near Eastern societies including the Hebrew Bible.[22] The household determines the social units, their identity, and the place that belongs to them and thus also the past and future of them, including the rules of inheritance. They were led and represented by the father and the mother who maintained the power to navigate it and its people. In this regard we find the mention of the Father and Mother as legal authorities in cases related to the protection of the household unit, such as the land, its members' livelihood, and especially its perpetuation, i. e., conceiving the next generation and fixing their inheritance.

Regarding this, I would like to introduce the Hittite concept of the divine world. The Hittite pantheon included a large number of divine entities. However, in royal ideology, which deals with the royal family, the most important deities were a couple, the Storm-god of Hatti and the Sun-goddess of Arinna, who were considered the divine "father and mother" of the king. As such, they handed over the land of Hatti to the king to rule. The king received the land as an inheritance with a clear blessing for family prosperity; in a ritual for ensuring the Hittite king of his rule over the land, the king says: "To me, the king, the gods – the Sun-goddess and the Storm-god – have entrusted the land and my house. I, the king, will protect my land and my house" (KUB 29.1 obv. i 17–18).[23] In two other texts the Storm-god alone gives the land to the king by way of a blessing to the king: "[m]ay the Tabarna-king be dear to the gods! The land is only of the Storm-god, heaven and earth and troops/multitude (are) only of the Storm-god. He made the Labarna, the king, an administrator. To him he gave Ḫattuša and all the lands" (IBoT 1.30 2–5).[24] Or the Sun-goddess alone is mentioned as the owner of the land in a prayer of Ḫattušili III (CTH 383):

> To the Sun-goddess of Arinna, My Lady, Lady of the Lands of Ḫatti, Queen of Heaven and Earth, Lady of the kings and Queens of Ḫatti, Torch of Ḫatti, the one who rules the kings and queens of Ḫatti. The one whom you look upon with favor as king or queen is right with you, O Sun-goddess of Arinna, my Lady. You are the one who chooses (for rule) and the one who removes (from rule). In respect to the other gods and befitting the dignity of the Storm-god of Nerik and the Storm-god of Zippalanda, your sons, you took for yourself the lands of Ḫatti as your share (of the world).[25]

---

[22] I will mention here the following volumes: Joyce and Gillepsie, *Beyond Kinship*. See esp. the Introduction by Susan D. Gillepsie pp. 1–21. Schloen, *The House of the Father as Fact and Symbol*. And very recently Mathias, *Paternity, Progeny, and Perpetuation,* esp. chs. 6 and 7.

[23] For the text, see Susan Görke, hethiter.net/: CTH 414.1 (INTR 2017-01-12).

[24] See Taggar-Cohen, *Hittite Priesthood,* 253 ff. See also Gilan and Mouton, "The Enthronement of the Hittite King as a Royal Rite of Passage," 106.

[25] I have chosen the translation of Beckman in "Females as Source of Authority in Hittite Government and Religion," 144. The translation of the Hittite Portal Mainz translates the last part "you took the lands of Ḫatti from the share in the presence of the (other) gods according to the dignity of the weather god of Nerik (and) the weather god of Zippalanda, your son." (E. Rieken et al., hethiter.net/: CTH 383.1 (TX 2015-08-28, TRde 2017-12-09)). The Sun-goddess

This prayer reveals, firstly, the fact that the deity is the ruler over the royals, both king and queen, who are but one generation in the royal family. The goddess is herself part of a family, and her two sons are mentioned. And last, she can choose the rulers because she is the owner of the land, which she received as her "share" (Hitt. *šarra-*). More than the fact that the gods were perceived as existing in family units, the Hittite king saw himself as a son of the gods. Being a son is part of the legal concept of having rights to the control of the lands. Thus says Muwatalli II in his prayer (CTH 381: iii 25–31)

> Thereafter the king says as follows: Storm-god of Lightning, my lord, I was but a human, whereas my father was a priest to the Sun-goddess of Arinna and to all the gods. My father begat me, but the Storm-god of Lightning took me from my mother and reared me; he made me priest to the Sun-goddess of Arinna and to all the gods; for the Ḫatti land he appointed me to kingship.[26]

The need to create symbolic family relations with the divine world strengthens the kinship construction of the society and its relationship with the land. In this regard the divine world is mirrored in the mundane world, and the latter becomes the continuation of the former. Though the god of Lightning is the personal god of king Muwatalli II, the most powerful and influential ruler, he becomes a priest to the Sun-goddess of Arinna. In this case, the kingship was handed to Muwatalli II by the god of Lightning. Following up this divine female position of the Sun-goddess in the human world is the fact that the queens were part of an *išḫiul-* which determines that the allocation of land to a prince should be understood as an equal act. The texts KUB 19.25 and KUB 19.26 legally declare the installment of Telipinu the Priest, the son of Šuppiluliuma I, as a ruler, bearing the title "Priest of Kizzuwatna". This installment is drafted as an *išḫiul-* loyalty oath of Telipinu, and is conducted under the authority of the king Šuppiluliuma I, and his consort the queen Ḫenti, who is titled "Great queen daughter of the Great King," and the crown prince, their son Arnuwanda.[27] In the human world though, the queen was part of the act of installment of a ruler, and was not on her own. The installment as a ruler gives the son land for control.

---

of Arinna is named mother of the Storm-god of Zippalanda in KUB 41.29 iii 6′–11′, see Taggar-Cohen, *Hittite Priesthood*, 266.

[26] Translation by Singer, *Hittite Prayers*, 91. The Hittite great king was considered the high priest of the kingdom and thus the one with close contact with the divine world, see Taggar-Cohen, *Hittite Priesthood*, 369–83.

[27] For a detailed description of the seals of these royal figures and the possible historical development see De Martino, "The wives of Šuppiluliuma I," 65–80. For a short description of Hittite queens and their royal cultic responsibilities as well as political involvements see Bilgin, *Officials and Administration in the Hittite World*, 22–27.

III. The Status of Hittite Priestesses

Rituals in the Ḫattuša archives prescribe a large number of festivals in which different groups of females participated. The women are identified with the determinative MUNUS, and some acted as priestesses. The title of the main priestesses, written Sumerographically as ^{MUNUS}AMA.DINGIR-*LIM* in Hittite *šiwanzanna-*, can be translated literally as "mother of the deity," or, probably better, "divine mother." In early dated texts, the priestesses were titled as ^{MUNUS}SANGA, in which the determinative MUNUS identifies them as female. The main priest (male) was titled ^{LÚ}SANGA, which in later periods appears in Hittite as *ša(n)kunni-*.[28] Looking at the texts, we find first and foremost that the male and female appear together in the cult, at the same time and seemingly acting in the same way as well as serving male and female deities correspondingly. A priestess is identified as a priestess of both male and female gods, at the same time that a specific priest is indicated as a priest of a goddess.

A large number of women, identified by the determinative MUNUS, appear in the ritual texts. The following treatment of the priestesses will relate to the ones bearing the title ^{MUNUS}AMA.DINGIR-*LIM* = Hittite *šiwanzanna-*, for the very reason that they were a clear part of the official administrative cultic personnel and constantly appeared together with the two other main priests, ^{LÚ}SANGA and ^{LÚ}GUDU$_{12}$.

IV. Descriptions of Priestesses in Ritual Texts

The most interesting point regarding women in the cult is their visibility. They were involved in all sorts of rituals, including state festivals in the capital and in local festivals celebrated in small temples. The following provides several examples of their priestly activities within the temple.

IV.1 "Festival (=days) of *conciliation* (*lēlaš* UD^{KAM})," CTH 456.1 obv. ii 24′–26′ to iii 1–7[29]

When the days of the conciliation festival arrive, and if inside the town a small statue[30] of the Storm-god, or a small temple of the Storm-god exists, then the SANGA-priests and the AMA.DINGIR-priestesses, in advance, wash themselves, and they take off the circlets

[28] For detailed discussion of these priestly titles see Taggar-Cohen, *Hittite Priesthood.*

[29] CTH 456 edition in HPM: F. Fuscagni, hethiter.net/: CTH 456.1 (INTR 2015-12-21).

[30] Fuscagni's edition prefers to read instead of "the son (DUMU) of the Storm-god" the sign for "small (TUR)", and thus translates as "a small statue of the Storm-god" and "a small temple of the Storm-god". This indeed shows that the text deals with a local festival. However, since this text is a royal drafted instructions-text, it is part of the official cult. See also the treatment of the text in Taggar-Cohen, *Hittite Priesthood,* 18–20.

from their heads and they enwrap their heads with white head-bands. They wear their white clothes too. They sweep the temple, they wipe the floors, they sprinkle inside and outside the temple.

The priests and priestesses were the main actors in the festival, and there were similar instructions concerning their responsibility and the way they executed it in this case in preparation for the festival.

IV.2 The text brings together priests and priestesses in a ritual in which the Crown Prince was involved. CTH 647 describes the following scene: KUB 20.88 i 1–28[31]

[Two] high-ranking SANGA-priests kiss each other's right [hands] and mouths. Two SANGA-priestesses, too, kiss each other's right [hands] and mouths. The SANGA-priest of the Storm-god gives his hand three times to the SANGA-priest of the god Telipinu. Then he bows down. He gives his hand three times to the SANGA-priest of Kataḫḫa. Then he bows down. He give[s] (his) hand three times to the SANGA-priestess of Telipinu. [Then he bows down.] He gives (his) hand [three times] to the SANGA-priestess of Kataḫḫa. Then he bows down and ste[ps] back. (it continues)

This ceremony is repeated four times by the priests of different deities. The two couples of male and female priests kiss the right hand and mouth of each other, though the first to start are male priests, who serve the Storm-god, who was regarded as the head of the Hittite pantheon. In the continuation two more priests enter, kiss, and bow; then bread is mentioned, which probably prescribes libation and bread offerings. What is the nature of this ceremony? I believe, since it is at the beginning of the tablet, that the priests are welcoming each other to the ritual. Also, they assemble for the ritual, and they may actually represent the participating deities invited to the ritual. Noticeable is that each deity has a male and a female priest. I do not know what the kiss meant for the Hittites, but the status of the priestly female is similar and even equal to that of the male except for the fact that the males appeared first in the ritual actions.

IV.3 Another ritual that is part of the celebration of the ancient KI.LAM-festival and was celebrated in the capital Ḫattuša reads as follows: KUB 2.3+ ii 11–31[32]

When the king comes out of the tent, he takes a stand. Next to the hearth in a *marnuwan*-basin, two *alamzu*-men, are bathing naked in the basin. The AMA.DINGIR-priestess of the deity Titiutti (and) the (female) overseer of the KAR.KID-women run three times to the *marnuwan*-basin. The (female) overseer of the KAR.KID-women holds a wooden dagger. In front of her the SANGA-priest of the deity Titiutti is running. The SANGA-

[31] Taggar-Cohen, *Hittite Priesthood,* 143–44. See also recently Taracha, *Two Festivals Celebrated by a Hittite Prince (CTH 647.I and II–III)*, 20–22.

[32] CTH 627, Taggar-Cohen, *Hittite Priesthood*, 338–39. Groddek, *Hethitische Texte in Transkription KUB 2*, 29.

priest holds a staff in front of which *šappareš* (garment) are tied. He pours *marnuwan*-beer three times on the back of the *alamzu*-men. The *alamzu*-men rise from the basin. The horn they blow three times. Then they go.

This ceremony within the ritual indicates that the deity Titiutti (a female Ḫattian deity) had a male priest and a female priestess. Both of them were active in the ritual, but the priest was the one who poured the beer on the naked men, while the AMA.DINGIR-priestess acted next to the head of the women who danced and sang. She performed next to the overseer of the KAR.KID-women, who were a group of women assisting the cult during festivals. We mainly come across them singing and playing music. They were a group of female cult personnel, but not of the same class as the AMA.DINGIR-priestesses.[33] What does the ritual show us? We must remember that this is not a descriptive but an instructive text, dictating who stands where and when, in what sequence, and what their actions were to be. It is a clear performative state of the actors. Their acts are symbolic, since the number of times they are repeated is indicated. Is it a fertility ritual or a scene from a mythological account played out as the king is watching? We cannot tell for sure.

IV.4 In the legal instructions given to the priesthood under an oath of loyalty to the king (text CTH 264), the priests and priestesses are approached together and ordered to celebrate all festivals in their prescribed ways, including specific festivals for themselves (male and female separately).[34] The female priestesses are not mentioned in regard to guarding the temple but in all other requisites inside the temple they participated in a similar way to the male priests. They prepared the food for the gods, they washed the statues of the gods, during the festivals they took care of the public approaching the gods, and more. The priestesses in the *išḫiul*-text of CTH 264 belong to the official royal temples (in my understanding, this specific text relates to the temples in Ḫattuša the capital, thus the royal temples).[35] These priestesses certainly had a special status as part of the

[33] The KAR.KID Sumerogram is translated as "prostitute." However, it is not clear that the group of entertainers, the KAR.KID with their overseer, is indeed to be interpreted as "prostitutes," as they are clearly women connected with the temple in different activities. See Taggar-Cohen, "The Prince, the KAR.KID Women and the *arzana*-house," 113–31. Compare with Cohen, "The Wages of a Prostitute," 50–55. I wonder why a divine statue of the goddess Hatepuna was described as looking like a KAR.KID (if indeed that reading is correct); see KUB 38.2 iii 12′–17′ in Cammarosano, *Hittite Local Cults*, 298–99, 305.

[34] Treatment of this text is in Taggar-Cohen, *Hittite Priesthood*. See also Miller, *Royal Hittite Instructions*, 244–65.

[35] For the existence of different legal *išḫiul*-instructions texts for different temples, see Taggar-Cohen, "Covenant Priesthood," 11–24.

state cult. They were assigned to specific temples or shrines in accordance with state central control.[36]

As we learn from texts prescribing local cultic festivals or rituals, the SANGA-priest in many cases is expected to provide sacrifice material from his "house," that is his household as a cult institution.[37] The priests, and I assume the priestesses as well, had their own house. They did not live on the temple compound. The priest may have been required to stay overnight in turns to protect the temple, but they did not sleep in it as their house. In the household of the priests lived an entire family who was warned against transgressions in the *išḫiul*-text of instructions to the temple personnel (CTH 264). Punishment for sins of the temple personnel, clearly including the priestesses, was collective punishment. The entire house was to die by the hand of the gods. The language in the text relates to male priests as it says "But, whenever he dies, he will not die alone, his family is together with him" (CTH 264 § 2:33). Or "Whoever took out (some) of your divine thick bread (or) (from) the libation [vessel], let you god, my lord, be [looking] after him. Let him (the god) seize his house from bottom to top" (CTH 264 § 6:64–66). Though the text seems to speak of a male it certainly includes the female as other texts show.

The facts that the priestesses were part of the cult personnel as a group, and their title is mentioned as a permanent class of the priesthood in the temples specifically in legal texts mean that they were an inherent part of the priestly cult. From the text "*išḫiul*-instructions to frontier post governors" (CTH 261.I) we learn that the governors are responsible for installing priests (^{LÚ}SANGA ^{MUNUS}AMA.DINGIR-*LIM* and ^{LÚ}GUDU$_{12}$) in local shrines and temples, as part of their responsibility for the maintenance of the cult. Thus, the priests, males or females, were installed by the central administration. It is not clear though how they learned their profession. I would assume that we are dealing here with priestly families and a hereditary system.[38] Building a new temple and crafting a new divine statue required a priest to care for it. In the cult inventory texts shrines and statues are made for the gods, and SANGA-priests and AMA.DINGIR-*LIM*-priestesses are installed to work for them: KUB 38.1, (obv. i 3′) "We made a new temple for him (the god), and [we] ins[talled] a SANGA-priest."[39] And in the continuation: (rev. iv 13–14) "The paraphernalia of the goddess is present. A new

[36] We learn from the text "*išḫiul*-instructions' to frontier post governors" (CTH 261.I), that the governors are responsible for the maintenance of the temples and shrines as well as sacred natural venues such as springs, mountains, sacred rocks. They are under their jurisdiction. The text has been reedited in Miller, *Royal Hittite Instructions*, 212–37. Another translation is offered by McMahon, "Instructions to Commanders and Border Garrison (*BEL MADGALTI*)," 221–25.

[37] See Taggar-Cohen, *Hittite Priesthood*, 209–10.

[38] The family construction of the temple personnel can be seen in several ritual texts mentioning the wife of the GUDU-priest. She serves the king at the mausoleum rituals identified as the "wife of the GUDU-priest"; for the texts, see Taggar-Cohen, *Hittite Priesthood*, 271–74.

[39] É.DINGIR-*LIM* GIBIL-ša-ma-aš DÙ-u-en ^{LÚ}SANGA ti-i[a-u-en].

temple has been made. An AMA.DINGIR-*LIM*-priestess is ins[talled]."[40] In the same way that a priest is installed so too is the AMA.DINGIR-*LIM*-priestess installed. The demand from the governors in their *išḫiul*-texts, mentioned above, says as follows: "Reverence for the gods must be maintained, and special reverence to the Storm-god is to be established" (CTH 261 I. § 31′); "(If) there is no SANGA-priest, AMA.DINGIR-*LIM* priestess, or GUDU-priest for any god, they must immediately assign one" (CTH 261.I § 32′); and more: "Furthermore, let reverence be established toward SANGA-priests, temple workers, GUDU-priests, AMA.DINGIR-*LIM* priestesses. Let the SANGA-priests, GUDU-priests, and AMA.DINGIR-*LIM* priestesses be reverent to the gods" (CTH 261.I § 36′).[41] The demand for reverence to the gods follows reverence to their servants, the priesthood, and the temple personnel in general. Although in both quotes the priestess came second or last in the list, she was part of the official workers. Information on the life of the priestesses, on how they lived and whether they had their own house and perhaps cultic independence, is limited, but their position inside the official cult as a state institution is established, making them a crucial part of the force.

The priestess titled ^{MUNUS}AMA.DINGIR-*LIM* (*šiwanzanna-* meaning a female with relation to the divine world) was a cult professional, who served in temples around the Hittite kingdom, and therefore could be a priestess in a small town or village and could also have served in a large temple in the capital. At the same time, this title was an official one for a female member of the royal family, specifically the queen herself, serving in the cult.[42] This title was regarded as a permanent one for the queen. Thus, when speaking of social hierarchy of the priestess, the title itself does not suggest a certain class, but rather indicates that this woman was in relations with the divine world that she worshiped. Since the priestess was installed by the central administration, one might wonder how she was chosen and whether she was transferred between temples, which looks possible in light of the texts indicating preparations for establishing new temples. In comparison with the royal priestesses who traveled the country to worship the gods it could be that a ^{MUNUS}AMA.DINGIR-*LIM,* a professional, was also expected to move and definitely to travel to central temples for certain festivals.

[40] Ì.GÁL-iš *Ú-NU-TÚ ŠA* DINGIR-*LIM* É.DINGIR-[*LIM* GIB]IL DÙ-an ^{MUNUS}AMA.DINGIR-*LIM* ti-ia-a[n-za].

[41] Translation here follows McMahon, "Instructions to Commanders and Border Garrison (*BEL MADGALTI*)," 224.

[42] For a survey of the queens as ^{MUNUS}AMA.DINGIR-*LIM* see Taggar-Cohen, *Hittite Priesthood*, 380–83.

V. The Status of the Royal Priestess: the Case of the Princess NIN.DINGIR

With regards to royals, the king, queen, crown prince and princess-priestess acting in the cult, they were treated in a way that is worth mentioning, as it correlates with the attitude toward ordinary priests and priestesses in the cult. The royals titled themselves "priest and priestesses of the gods" and they indeed acted in the rituals in a priestly manner, although clearly, they did not seem to have done any of the hard work such as cleaning the temples. They traveled to worship the different gods in their temples and even carried the statues of the gods; they washed the statue of the god with their own hand; they libated and toasted the gods with alcoholic beverages; and they offered bread and meat to them, as they themselves consumed it.[43] In order to become a king, it seems that one was obliged to become a priest of a certain god. Ḫattušili III recalled this fact in his speech before his personal goddess.[44]

Importantly, a number of texts describe how the royal family – king, queen, crown prince and a special princess-priestess titled NIN.DINGIR[45] – clothed themselves in the deity's vestments, when engaging in worship of the gods.[46] I suggest that this action, symbolically brings the royal family (father-mother-son-daughter) into the family of the gods. It physically mirrors them with the gods.

Witness to this is the way the priestess-NIN.DINGIR's activities are prescribed in CTH 738.[47] The NIN.DINGIR was to travel between cities, as were the other members of the royal family. She was accompanied by cult personnel and specifically the SANGA-priest of the goddess Tetešḫapi, to whom this festival was dedicated. They traveled to the forest where they worshipped the deity Tetešḫapi at a tent housing the statue of the goddess. With the SANGA-priest bearing the divine statue along, the princess and the cultic personnel returned to the temple, where the NIN.DINGIR performed another ritual dressed in the deity's vestment.

KBo 21.90 reads as follows: (obv. 18′–23′) while the NIN.DINGIR was inside the temple of the goddess, "the NIN.DINGIR rises. Then she goes to the inner chamber, and she puts on (herself) the deity's vestments. Then she [comes out]. The palace attendants hold her, and on her place she turns .... [T]he staff

[43] See the description in Taggar-Cohen, *Hittite Priesthood*, 369 ff.

[44] Ḫattušili III announces that he was given to the goddess *IŠTAR* as a priest when he was a child (CTH 81 § 3): "My father took me up, (while still) a boy, and handed me (over) to the service of the goddess, and as a priest I brought offerings to the goddess." Translation by Van den Hout, "The Apology of Ḫattušili," 199–204.

[45] On the Hittite NIN.DINGIR see Taggar-Cohen, *Hittite Priesthood*, 384–422. Also, Taggar-Cohen, "The NIN.DINGIR in the Hittite Kingdom," 313–27.

[46] For references to the texts prescribing them to be dressed in the deity's clothes, see Taggar-Cohen, *Hittite Priesthood*, 423 ff.

[47] CTH 738 is a text prescribing the festival celebrated to the Ḫattian goddess Tetešḫapi.

bearer(s) run in front of her, and she goes to the courtyard." Behind the NIN. DINGIR the women singers (here *zintuḫi*-women) sing in Ḫattic. The NIN. DINGIR keeps dancing, while the palace attendants hold her. Later she returns to the courtyard and keeps dancing alone before the deity. On the reverse of the tablet, lines 45′–54′, the NIN.DINGIR takes off the deity's vestment in the inner chamber and comes out to her carriage. Standing in front of it, she says, seemingly talking for the goddess: "When I go there, fear for me the leopard and the wolf! *lariya* the water! This is, behold, the deity Tetešḫapi!" It would seem here that the NIN.DINGIR was acting as a medium for the deity, speaking to the people in her place.

During the ritual, her visibility dressed as the goddess while worshiping her shows how the Hittite conception of gender was performative. Wearing the deity's clothes shows her as a female. But how was gender understood by the Hittites?

In discussing the Hittites' understanding of the female, the following ritual concerning the taking of a loyalty oath to the royal family by soldiers is important. The oath uses a woman and her dress in a symbolic way:

§ 9 They bring a woman's garment, a distaff and a spindle and they break an arrow (lit., reed). You say to them as follows: "What are these? Are they not the dresses of a woman? We are holding them for the oath-taking. He who transgresses these oaths and takes part in evil against the king, queen and princes may these oath deities make (that) man (into) a woman. May they make his troops women. Let them dress them as women. Let them put a scarf on them. Let them break the bows, arrows, and weapons in their hands and let them place the distaff and spindle in their hands (instead)."

§ 10 They lead before them a woman, a blind man and a deaf man and you say to them as follows: "Here (are) a woman, a blind man and a deaf man. Whoever takes part in evil against the king and queen, may the oath deities seize him and make (that) man (into) a woman. May they b[li]nd him like the blind man. May they d[eaf]en him like the deaf man. And may they utt[erly] destroy him, a mortal, together with his wives, his sons, and his clan."[48]

It is clear that the gender is symbolized by the women's attire and clothes, and the women by their symbolic function in the household, weaving. But at the same time, this physical gender can be transformed in the same way as someone can become blind or deaf. Of course, this change is in the hands of the deities alone, but here there is the possibility of gender transmutation. It seems that they believed that divine power could cause such a change. The presenting of these figures in the ritual shows that they were seeing gender in a performative way. However, at the same time, one of the clearest identifications of the female is her ability to bear children, which a man cannot do. This is crucial, because the Hittites, as described above, looked at the world from a family perspective.

[48] CTH 427 the Soldier's Oath as translated by Collins, "The First Soldiers' Oath," 165.

An evocation to the gods reads as follows (KUB 15.34 ii 17–19): "provide the king and the queen with life, health, long years and children – male and female to the first generations – and for the male (offspring provide) manliness and valor and for the female (offspring) womanliness and motherhood!"[49] Gary Beckman indeed placed an emphasis on the issue of motherhood among the Hittites as part of their understanding of cosmology.[50] The care that the god gives to the royal family is equaled in the Telipinu myth with the tending of the mother to her children. As has been indicated in the prayer of queen Puduhepa, a midwife, giving life was a crucial part of her life task.[51] Motherhood is essential for the family construction and survival.[52] Worshiping the gods as a family promises the continuation of survival in the land with which they are entrusted by the gods who own it. In a Hittite ritual text for building a new house for the king and his family, the invocation to the divine world is as follows:

"Unite it! Make it one! Carry it to the heart of the man. Let the soul of the king unite with his heart too!" Let the Sun-goddess and the Storm-god decide for the king's treaty (*tákšu-li-ši-it*). And let their word (= decree) be one! Sun-goddess and Storm-god, re-entrust (for ruling *ma-ni-aḫ-tén*) the land to the king!" They renewed his years. They renewed his awesomeness (*na-aḫ-ša-ra-at-ta-an*). (CTH 414.1 §§ 28–29/KUB 29.1 ii 44–48)[53]

And at the end of this ritual the entire royal family (=household) gathers around the hearth (representing the house god), in worship of the gods (CTH 414.1 §§ 43–45).

[49] Translation by Beckman, "Birth and Motherhood Among the Hittites," 320.

[50] By quoting from the mythological tale on the disappearing god Telipinu, Beckman shows how the return of the god brings back life thorough the mother(s): "Telipinu came back home …. Then the mother tended her child. The sheep tended her lamb. The cow tended her calf. And Telipinu <tended> the king and queen. He concerned himself for them in regard to life, vigor, and future (existence)." Beckman, "Birth and Motherhood Among the Hittites," 319.

[51] Queen Puduḫepa, whose name in Hurrian includes two components, the theophoric name of the Hurrian goddess Ḫepat (who was equivalent to the Sun-goddess of Arinna) and the verb *pudu* meaning "creates" or "sires" was a daughter of a priest from the kingdom of Lawazantiya or Kummani. She kept presenting herself as the "daughter of Kummani," which means a princess. She was a priestess before marrying Ḫattušili III and continued as such when married to him. In an invocation to the Sun-goddess of Arinna, she requests the goddess to be favorable to her like the gods are favorable to a "midwife," who brings life to the world, and thus grant her husband Ḫattušili life and long years. See Beckman, "Birth and Motherhood Among the Hittites," 323 (for the text edition see CTH 384 in HPM: E. Rieken et al., hethiter.net/: CTH 384.1 § 6′′).

[52] See Taggar-Cohen, "The Uniqueness of the Priestess Titled NIN.DINGIR in Hittite Texts in light of Hittite Royal Ideology," 141–62.

[53] Kellerman, "The King and The Sun-God in The Old Hittite Period," 203–4; Beckman, "Temple Building among the Hittites," 74. See, Taggar-Cohen, "Hittite Royal Administrative Concept and its Representation in Cultic Texts."

VI. Insights from the Hebrew Bible's Approach to Women in the Cult

I would like to pause here to examine how scholars have approached the study of women in the priestly family in the Hebrew Bible in order to consider if it might give some insight into the understanding of the Hittite priestly women. First and foremost, women were excluded from serving in the temple, according to the legislative texts in the Torah. Only men from the Priestly and Levite families were allowed to work in the temple (Numbers 18). This, of course, was an ideological change in the Judean attitude towards women in the cult and probably occurred during the time of the First Temple period, when women took part in cultic activities but according to the texts without being titled priestess. Queen Athaliah, who aroused the anger of the Jerusalem priesthood, officiated in the temple and entered the sacred area (2 Kgs 11).

In a detailed study of the social status of women of priestly families in the Hebrew Bible, Sarah Shectman pointed out the important biblical consideration of gradation of holiness for the priesthood. Thus, the women in the priestly family were also looked upon from the point of view of their relation to sacredness.[54] Their relations within the priestly family were based on whether a woman was born to a priest or entered the family as a bride (from a non-priestly family). These categories, as well as her social marital status determined her being allowed or prohibited from eating from the sacrifices offered to the god, that male members of the priesthood were allowed to eat.[55]

In the Hittite prescribed rituals, the texts indicate in certain rituals that the priest or his wife could take the leftovers of the food offered to the gods. But in the legislative text CTH 246 the priests and their families were warned not to touch the food of the gods. At the same time in other festival texts at the end of the sacrificial ceremony, the priests drink and eat the food. This would have included males and females of the priesthood. While the biblical females' social position depended on their male priestly connections, the Hittite priestess seemed to have been an independent professional, whose social position could reflect upon her children. Note the mention of a person as a son of a priest or as a daughter of a priestess.[56]

---

[54] Shectman, "The Social Status of Priestly and Levite Women," 84–99.

[55] Ackerman, *Women and the Religion of Ancient Israel*, a recent accumulated study of hers on the Hebrew Bible's place of women in state temples, specifically the period of the First Temple in Jerusalem, points to a possibility that women of "temple's priestly families – that is, the temple priests' wives and daughters – were also presumably resident within the temple precinct, living, more specifically, within the temple apartments designated for the sanctuary's priestly personnel." 143; in a footnote she acknowledges the fact that "Lev 10:14 presumes priestly dwellings outside the precinct," 393.

[56] Taggar-Cohen, *Hittite Priesthood*, 216. See also Taggar-Cohen, "Why are there no Israelite Priestesses," *TheTorah.com* http://thetorah.com/why-are-there-no-israelite-priestesses/.

In both cultures, the priestly household did not reside in the temple compound, which was, rather, a workplace for the priesthood. But the temples, at least outside Ḫattuša, were considered (while being supported by the household of the priest) an administrative unit under the supervision of the local governor. In the same way, the royal family household that provided for the gods around the kingdom could be looked upon as the administrative unit of the gods, who clearly installed the king(s) and queen(s) in their post.

VII. A Note on "Doing Gender": Can Modern Theories Assist Us?

Considering all of the above, we might apply the terminology of "doing" gender, how people enact or "do" the normative demands of gender within interactions, to the Hittite understanding of gender. There are "duties" that are applied to a man, such as a soldiering, and those that are applied to a woman, such as weaving. Jennifer Johnson defines the concept as follows: "'Doing' gender implies a passive voice on the part of the actor; the person does what is expected of them inside interactions with others who are doing the same." In addition, she suggests coining a new term for this kind of understanding of gender called "gender ritualization." She goes on to say:

> As the strategic mobilization of gender, gender ritualization is the way in which men and women 'use' select daily activities to (1) symbolically communicate their feelings about gender; *(2) collaborate to construct their gender identity and* (3) navigate the emotional energy of gender. Gender ritualization augments the 'doing' gender approach by focusing on how people customize the 'doing' of gender and for what purpose.[57]

While there are issues in applying Johnson's definition to ancient texts since she based her terms on the actions of men and women in modern society, her observations, especially her second point about collaboration in gender identity construction, may be helpful in interpreting the ancient understandings of gender. It seems to me that the Hittite priestesses' participation in cult activity together with male priests, worked to enact and confirm their place as women in the Hittite world order in a harmonious way alongside their male counterparts. Their actions and their clothing determined their gender. But whether their female status was understood in a more essentialized way is difficult to glean from the texts alone and will require more consideration.

[57] Johnson, "Gender Ritualization: The Customization of 'Doing Gender'," 248. I italicized the second reasoning as it is highly relevant to the Hittite material.

VIII. Conclusion

From the discussion above it is clear that the Hittites had an essentialized understanding of the biological differences of sex, and that gender was decided by its performative aspect, creating a clear difference between male and female. Still, there was flexibility to this performativity, and it did not necessarily mean that the two genders were unequal. The female in the cult, however, although maybe less prominent than the male in protecting the temple grounds, was visible and prominent in taking care of the temple, the deities, their statues, and their maintenance. In some ritual contexts females were clearly equal to males. To some extent, we can apply the definition of "doing gender" to these priestesses as they perform the normative actions expected of them. They dress in a way that identifies them as females, as they work for the gods' daily needs.

The appearance of priestesses together with priests in the same performance is the most important aspect in their understanding of gender. The world cannot be maintained without both genders, a worldview that stems from their emphasis on family as the core of the universe. The performance expected from the woman is to be a mother, create the family, and maintain it. Their divine world also acknowledged the same formation: the gods are manifested in family forms a god married to a goddess (she is his wife), and they have certain gods as sons and daughters. This picture of the world, divine and mundane, is what enables the world to be fertile and prosperous. While Johnson reveals gender ritualization in the modern society of today, the Hittites already staged these acts in their prescribed ritual texts. We need only read them more carefully.

Bibliography

Ackerman, Susan. *Women and the Religion of Ancient Israel*. AYBRL. New Haven and London: Yale University Press, 2022.

Bachmann, Martin and Özenir Sirri. "Das Quellheiligtum Eflatun Pınar." *Archäologischer Anzeiger* (2004): 85–122.

Beckman, Gary. "Temple Building among the Hittites." Pages 71–90, 451–55 in *From the Foundations to the Crenellations: Essays on Temple Building in the Ancient Near East and Hebrew Bible*. Edited by Mark J. Boda and Jamie Novotny. AOAT 366. Münster: Ugarit Verlag, 2010.

Beckman, Gary. "Birth and Motherhood Among the Hittites." Pages 319–28 in *Women in Antiquity: Real Women across the Ancient World*. Edited by Stephanie Lynn Budin, and Jean MacIntosh Turfa. London; New York: Routledge 2016.

–. "Females as Source of Authority in Hittite Government and Religion." Pages 143–49 in *Structures of Power: Law and Gender across the Ancient Near East and Beyond*. Edited by Ilan. OIS 12. Chicago University, 2017.

Bilgin, Tayfun. *Officials and Administration in the Hittite World*. SANER 21. Berlin; Boston: De Gruyter, 2018.

Bryce, Trevor R. "The Role and Status of Women in Hittite Society." Pages 303–18 in *Women in Antiquity: Real Women across the Ancient World*. Edited by Stephanie Lynn Budin and Jean MacIntosh Turfa. London; New York: Routledge, 2016.

Budin, Stephanie Lynn, Megan Cifarelli, Agnès Garcia-Ventura and Adelina Millet Albà, eds. *Gender and Methodology in the Ancient Near East: Approaches from Assyriology and beyond*. Barcino Monographica Orientalia 10. Universitat de Barcelona, 2018.

Cammarosano, Michele. *Hittite Local Cults*. SBLWAW 40. Atlanta: SBL Press, 2018.

Cohen, Yoram. "The Wages of a Prostitute: Two Instructions from the Wisdom Composition 'Hear the Advice' and an Excursus on Ezekiel 16:33." *Semitica* 57 (2015): 43–55.

Collins, Billie Jean. "The First Soldiers' Oath." Page 165 in vol. 1 of *The Context of Scripture*. 2 vols. Edited by William Hallo and K. Lawson Younger, Jr. Leiden: Brill, 1997).

–. "Women in Hittite Religion." Pages 329–41 in *Women in Antiquity: Real Women across the Ancient World*. Edited by Stephanie Lynn Budin and Jean MacIntosh Turfa. London; New York: Routledge, 2018.

De Martino, Stefano. "The wives of Suppiluliuma I." Pages 65–80 in *New Results and New Questions on the Reign of Suppiluliuma I*. Edited by Stefano de Martino and Jared L. Miller. Eothen 19. Firenze: LoGisma, 2013.

Gilan, Amir and Alice Mouton. "The Enthronement of the Hittite King as a Royal Rite of Passage." Pages 99–117 in *Life, Death, and Coming of Age in Antiquity: Individual Rites of Passage in the Ancient Near East and its Surroundings*. Edited by Alice Mouton and Julie Patrier. PIHANS 124. Leiden: NINO, 2014.

Groddek, Detlev. *Hethitische Texte in Transkription KUB 2*. Dresner Beitrage zur Hethitologie 30. 2009.

Hoffner, Harry. A.Jr. *The Laws of the Hittites: A Critical Edition*. Leiden: Brill, 1997.

James, Sharon L. and Sheila Dillon, eds. *A Companion to Women in the Ancient World*. Chichester: Wiley-Blackwell Publishing, 2012.

Johnson, Jennifer A. "Gender Ritualization: The Customization of 'Doing Gender'." *International Review of Modern Sociology* 34 (2008): 229–51.

Joyce, Rosmary A. and Susan D. Gillepsie, eds. *Beyond Kinship: Social and Material Reproduction in House Societies*. Philadelphia: University of Pennsylvania Press, 2000.

Kellerman, Galina. "The King and The Sun-God in The Old Hittite Period." *Tel Aviv* 5 (1978): 199–208.

Masterson, Mark, Nancy Sorkin Rabinowitz and James Robson, eds. *Sex in Antiquity: Exploring Gender and Sexuality in the Ancient World*. New York: Routledge, 2018.

Mathias, Steffan. *Paternity, Progeny, and Perpetuation: Creating Lives after Death in the Hebrew Bible*. London: T&T Clark, 2020.

McMahon, Gregory. "Instructions to Commanders and Border Garrison (*BEL MADGALTI*)" Pages 221–25 in vol. 1 of *The Context of Scripture*. 2 vols. Edited by William Hallo and K. Lawson Younger, Jr. Leiden: Brill, 1997.

Melville, Sarah C. "Royal Women and the Exercise of Power in the Ancient Near East." Pages 219–28 in *A Companion to the Ancient Near East*. Edited by Daniel C. Snell. Malden; Chichester: Wiley-Blackwell, 2005.

Miller, Jared L. *Royal Hittite Instructions and Related Administrative Texts*. SBLWAW 31. Atlanta: SBL Press, 2013.

Mouton, Alice, ed., *Flesh and Bones: The Individual and his Body in the Ancient Mediterranean Basin*. Semitica et Classica, Supp. 2. Turnhout: Brepols, 2020.

Peled, Ilan, ed., *Structures of Power: Law and Gender across the Ancient Near East and Beyond*. OIS 12. University of Chicago, 2017.

–. *Law and Gender in the Ancient Near East and the Hebrew Bible*. New York: Routledge, 2020.
Pringle, Jaqueline Marie. "Hittite Kinship and Marriage. A Study Based on the Texts from the 2nd. Millennium Bogazkö." PhD diss., The University of London SOAS, 1993.
Puhvel, Jaan. *Hittite Etymological Dictionary* (=HED) vols. 1–9. De Gruyter, 1984–2013.
Schloen, David. *The House of the Father as Fact and Symbol: Patrimonialism in Ugarit and the Ancient Near East*. Winona Lake: Eisenbrauns, 2001.
Seeher, Jürgen. *Gods Carved in Stone: The Hittite Rock Sanctuary of Yazılıkaya*. Istanbul: Ege Yayınları, 2011.
Shectman, Sarah. "The Social Status of Priestly and Levite Women." Pages 84–99 in *Priests and Levites in History and Tradition*. Edited by Mark Leuchter and Jeremy Hutton. SBLAIL 9. Atlanta: SBL Press, 2011.
Singer, Itamar. *Hittite Prayers*. Edited by Harry A. Hoffner Jr. SBLWAW 11; Atlanta: SBL Press.
Snell, Daniel C.,ed., *A Companion to the Ancient Near East*. Malden; Chichester: Wiley-Blackwell, 2005.
Solvang, Elena K. *A Woman's Place is in the House: Royal Women of Judah and their Involvement in the House of David*. Sheffield: Sheffield Academic Press, 2003.
Stol, Marten. *Women in the Ancient Near East*. Trans. Helen and Mervyn Richardson. Boston; Berlin: Walter de Gruyter, 2016.
Süel, Aygül and Mark Weeden. "Mrs Woman(?): A Busy Hittite Lady from Ortaköy: Possible Evidence for the Hittite word for 'Woman'." Pages 984–1004 in *Acts of the IXth International Congress of Hittitology, Çorum, 08–14 September 2014* (vol. 2). Edited by Agül Süel. Çorum Governorate: Provincial Directorate of Culture and Tourism Publications, 2019.
Suter, Claudia E. "Between Human and Divine: High Priestesses in Images from the Akkad to the Isin-Larsa Period." Pages 317–61 in *Ancient Near Eastern Art in Context: Studies in Honor of Irene J. Winter by Her Students*. Edited by Jack Cheng and Marian H. Feldman. Leiden; Boston: Brill, 2007.
Svärd, Saana. *Women and Power in Neo-Assyrian Palaces: The Neo-Assyrian Text Corpus Project*. SAAS 23. Helsinki, 2015.
Svärd, Saana and Garcia-Ventura, Agnés, eds. *Studying Gender in the Ancient Near East*. University Park: Eisenbrauns, 2018.
Taggar-Cohen, Ada. *Hittite Priesthood*. THeth 26. Heidelberg: Winter Verlag, 2006.
–. "The NIN.DINGIR in the Hittite Kingdom: A Mesopotamian priestly office in Hatti?" *AoF* 33 (2006): 313–27.
–. "The Prince, the KAR.KID Women and the *arzana*-house: A Hittite royal festival to the goddess *Kataḫḫa* (CTH 633)", *AoF* 37 (2010): 113–31.
–. "Covenant Priesthood: Cross-Cultural Legal and Religious Aspects of Biblical and Hittite Priesthood". Pages 11–24 in *Priests and Levites in History and Tradition*. Edited by Mark Leuchter and Jeremy Hutton. SBLAIL 9. Atlanta: SBL Press, 2011.
–. "Why are there no Israelite Priestesses," *TheTorah.com* http://thetorah.com/why-are-there-no-israelite-priestesses/ (published 2016).
–. "The Uniqueness of the Priestess Titled NIN.DINGIR in Hittite Texts in light of Hittite Royal Ideology." Pages 141–62 in *Women in Religion in the Ancient Near East and Asia*. Edited by Nicole Brisch and Fumi Karahashi. SANER Series 30. Berlin: De Gruyter, 2023.

–. "Hittite Royal Administrative Concept and its Representation in Cultic Texts: The Implementing of Cosmic Order," in *It All Began with Stratigraphy and Chronology: Archaeology in Central Anatolia – Festschrift Dedicated to Sachihiro Omura on his 75th Birthday*. Edited by Çiğdem Maner, Mark Weeden, Masako Omura, and Kimiyoshi Matsumura. Wiesbaden: Harrassowitz, forthcoming.

–. "Divine Law: The Hittite Laws in Light of the Hebrew Bible Legal Texts and their Scholarly Interpretations." in *TORAH: Treaty, law, and ritual in the Hebrew Bible in its ancient Near Eastern Environment*. Edited by Dick Averbeck and Dave Deuel. University Park: Eisenbrauns, forthcoming.

Taracha, Piotr. *Two Festivals Celebrated by a Hittite Prince (CTH 647.I and I–IIII): New Light on Local Cults in North-Central Anatolia on the Second Millennium* BC. StBoT 61. Wiesbaden: Harrassowitz, 2017.

Van den Hout, Theo P. J. "The Apology of Ḫattušili." Pages 199–204 in vol. 1 of *Context of Scripture*. 2 vols. Edited by William Hallo and K. Lawson Younger, Jr. Leiden: Brill, 1997.

–. *A History of Hittite Literacy: Writing and Reading in Late Bronze-Age Anatolia (1650–1200)*. Cambridge: Cambridge University Press, 2020.

Van Loon, Maurits N. *Anatolia in the Second Millennium B.C.* Iconography of Religions XV:12. Leiden: Brill, 1985.

Exploring Manners, Etiquettes, and Protocols with *Šuila*-Prayer Ištar 1

Alan Lenzi

It is well-known that ancient Mesopotamian prayers reflect various social manners, etiquettes, and protocols and thus offer a veritable treasure trove of data for thinking about these elements of interpersonal communication in the ancient Near East.[1] Rather than survey a host of texts and compile example upon example in an avalanche of information, in this brief contribution I use one particular prayer, the *šuila*-prayer known as Ištar 1, as both a point of entry into the relevant data and a point of departure for its exploration. After a brief presentation of a composite version of the Akkadian text and English translation of the prayer, I interpret this prayer in light of Annette Zgoll's fundamental insight that the *šuila*-prayers reflect a social situation that she calls an "audience," in which a person with a concern or need presents themselves to a person of higher social position or greater capabilities in order to seek that social superior's assistance. With this background in place, I then look to the details of the text to interpret the ways in which various gestures, postures, expressions, and proxemic interactions combine to support, on the one hand, the clear hierarchy between the meek supplicant and the mighty divinity involved in the audience-event and to foster, on the other, the requisite rapport with which the supplicant importunes the goddess to respond favorably. As much as the supplicant assumes the divinity's domination and subjugation over the human sphere, the supplicant also boldly requests the divinity's specific attention as reciprocity – a reply in kind – for services rendered.[2]

[1] It is a great pleasure to contribute this short study to a volume honoring David Wright. When I was a graduate student at Brandeis University, David's interdisciplinary teaching, including seminars on ritual and the Bible, ancient Near Eastern music, and ancient Near Eastern law, opened new fields of scholarship for me and new perspectives onto the ancient world that fundamentally reshaped my thinking. I have been a colleague now longer than I was a student. And David's scholarly example – his analytic rigor, his indefatigable curiosity, and his interdisciplinarity – continues to inspire me. I wish him many years of happiness in this new stage of his life and career. And I look forward to his many new interdisciplinary insights on biblical and ancient Near Eastern texts in the future.

[2] This essay was first presented at a session on manners, etiquette, and protocol in the ancient Near East at the 2022 national meeting of the American Society of Overseas Research. I thank Ludovico Portuese for inviting me to contribute to the session's topic from the perspective of

I. Sources, Composite Transliteration, Translation, and Basic Structure

I.1 Sources for the prayer

The following are the cuneiform tablets, i. e., the sources, that bear witness to the text of Ištar 1. For full bibliographical information on each witness, I refer the reader to my online catalog of *šuila*-prayers, specifically, http://shuilas.org/Q006075.html for Ištar 1. The system of referring to these manuscripts used here follows – and extends – the system used by Zgoll,[3] who offers the most recent critical edition of this prayer, which includes many bibliographical references to previous studies as well as Zgoll's very extensive literary observations and exegetical insights.[4] In the list below, I also include the unique identifier (P-number) that the Cuneiform Digital Library Initiative (CDLI) has assigned each artifact.[5]

A1: K.155: obv. 29–35. CDLI P393771
A2: K. 2396 + K.3893 + K.6019 + K.7243 + K.8116 + K.9083 + K.21878: obv. 28–46, rev. 1–19; rubric (rev. 20a), with ritual instructions (rev. 20b–21).[6] CDLI P397497
B: VAT 12996: obv. 1′–23′, lower edge (l.e.) 1; rubric (l.e. 2), with ritual instructions (l.e. 3). CDLI P369214
C: K.6179 + 1882–05–22, 0496: obv. 1–21 (19–21 = l.e.), rev. 1–21, with ritual instructions (rev. 22–23 = l.e.). CDLI P237223
D: BM 57532: obv. 1–18, rev. 1′–7′, rubric (rev. 8′), with ritual instructions (rev. 9′–10′). CDLI P480768
E: BM 59916 + BM 71654 + BM 73426: rev. 1′–19′, with ritual instructions (rev. 20′–21′) and colophon (rev. 22′–24′). CDLI P480769
F: K.2823 + K.3332 + K.11347 + K.11722 + K.15427 + K.17283: rev. 9 (incipit only). CDLI P394701
G: BM 39828 (unpublished).[7] CDLI P522143

As many of these witnesses include other texts before and/or after our prayer, I provide the following to illustrate how scribes collocated Ištar 1 with other texts.

Akkadian prayers. As I began research for the session, I found a whole new world of scholarship that opened many more interesting perspectives than can be addressed here.

[3] Zgoll, *Die Kunst des Betens*, 191. Zgoll develops the system used by Werner Mayer (*Untersuchungen*, 388), who also gives references to earlier literature.

[4] Zgoll, *Die Kunst des Betens*, 191–233. For a brief list of other editions, see also http://shuilas.org/prayers.html, s. v. Ištar 1.

[5] To find the artifact in CDLI's database, use the following formulaic URL: https://cdli.mpiwg-berlin.mpg.de/P######, replacing the number signs with the appropriate six digit number.

[6] For the joining of K.9083 to the other fragments, see Jiménez, "New Fragments," 108–9. Zsombor Földi joined K.21878 to the others in June 2023 (personal communication).

[7] Enrique Jiménez has communicated to me that this fragment bears witness to Ištar 1, but I have not been able to examine the fragment yet (in person or via photograph).

A1:
Sîn 1 (obv. 1–27), *shuila*-rubric (obv. 28)
Ištar 1 (obv. 29–35)
[break]
Tašmetu 1 (rev. 1′–16′), *šuila*-rubric (rev. 17′)
Nusku 1 / Madanu 1 (rev. 18′ = catchline)
Bīt Rimki rubric (rev. 19a′)
Ashurbanipal colophon c (rev. 19b′–26′)

A2:
Madanu 1 (obv. 1–26), *šuila*-rubric (obv. 27)
Ištar 1 (obv. 28–46, rev. 1–19), *šuila*-rubric (rev. 20a), with ritual instructions (rev. 20b–21)
Zappu 1 (rev. 22–31), *šuila*-rubric (rev. 32)
Anu 1 (rev. 33 = catchline)
Bīt Salā' Mê rubric (rev. 34a)[8]
Ashurbanipal colophon type c (rev. 34b–44)

B:
Ištar 1 (obv. 1′–23′, lower edge 1), *šuila*-rubric (l.e. 2) with ritual instructions (l.e. 3)
Unidentified incantation-prayer (l.e. 4, rev. 1–17)

C:
Ištar 1 (obv. 1–18, l.e. 1–3, rev. 1–21), with ritual instructions (rev. 22–23 [= l.e.])

D:
Ištar 1 (obv. 1–18, [break], rev. 1′–7′), *šuila*-rubric (rev. 8′) with ritual instructions (rev. 9′–10′)
Unidentified (rev. 11′–14′)

E:
Ištar 1 (rev. 1′–18′), *šuila*-rubric (rev. 19′) with ritual instructions (rev. 20′–21′)
Colophon (rev. 22′–24′)

F:
Sîn 1 (obv. 1–29, rev. 1–8)
Ištar 1 (rev. 9 = catchline)
(See A1 above for this order in a witness with a *Bīt Rimki* rubric.)

I.2 Composite Transliteration

All witnesses except MS G have been collated for this composite text.

1.[9] EN$_2$ *qa$_2$-rit-tu$_4$* ^{d}*iš-tar ka-nu-ut i-la$_2$-a-ti*
2. *di-par* AN-*e u* KI-*ti$_3$ ša$_2$-ru-ur kib-ra-a-ti*
3. ^{d}*in-nin-ni bu-uk-rat* ^{d}30 *i-lit-ti* ^{d}*nin-gal*
4. *tu-am-ti ṭar$_3$-ri šu-pe-e qu-ra-du* ^{d}UTU-*ši*

[8] For the use of the prayer in *Bīt Salā' Mê*, see Ambos, *Der König im Gefängnis*.
[9] Line numbering follows Zgoll, *Die Kunst des Betens*, 192–97, who recognizes rightly several cases in which two poetic lines of the prayer are written on one line of the tablet (e. g., lines 15a and 15b).

5. ^{d}15 ^{d}*a-na-ti-ma*[10] AN-*e ta-be*$_2$*-el-li*
6. GIM ^{d}EN.LIL$_2$ *ma-li-ki ta-ṭe-em-me da-ad*$_2$*-mi*
7. ^{d}*mu-um-mu ba-an par-ṣi u šu-luḫ-ḫi*
8. *tak-lim-tu*$_4$ ^{d}*e*$_2$*-a ina* ABZU *tu-kal-li rik-si*
9. *e-ma ba-aš*$_2$*-mu ki-sur-ru-u*$_2$ ŠUB-*at*[11] SIG$_4$
10. *ša pa-a*[12] *šak-nu ta-paq-qi*$_2$*-di ki-ma* ^{d}UTU-*ši*
11. *šum-ma i-na* ^{d}*i*$_2$*-gi*$_3$*-gi*$_3$ *a-a-u*$_2$ *ma-ḫir-k*[*i*][13]
12. *šum-ma i-na* ^{d}*a-nun-na-ki a-li ša*$_2$*-nin-ki*
13. *at-ti-ma ina ša*$_3$*-sur ni-ši*[14] *lu-up-nu iš-di-ḫa tu-kan-ni*
14. *tu-uš-te-pe-li ši-m*[*a*]*-tam-ma i-dam-mi-iq lem-nu*
15a. ⌜*eš*⌝*-'e-e-ma ina* DINGIR.MEŠ *su-pe-e šar-ku-ki*
15b. *as-ḫur-ma ina* ^{d}15.MEŠ *ka-ši-ma ša*$_2$ *ba-a-li*
16. *pa-nu-uk-ki* ^{d}ALAD *ar-ka-tuk* ^{d}LAMA$_3$
17. *im-nu-uk mi-ša*$_2$*-ri šu-me-lu-uk-ki dum-qu*
18. *kun-nu ina re-ši-ki taš-mu-u u ma-ga-ru sa-li-mu*[15]
19. *i-ta-tu-ki šu-tas-ḫu-ra* TI.LA *u šul-mu*
20. *ki-i ṭa-a-bu su-up-pu-u*$_2$*-ki ki-i qe*$_2$*-ru-ub neš-mu-ki*[16]
21. *nap-lu-us-ki taš-mu-u*$_2$ *qi*$_2$*-bit-ki nu-u*$_2$*-ra*
22. *re-min*$_4$*-ni-ma* ^{d}*iš-tar*[17] *qi*$_2$*-bi-i na-ḫa-ši*
23. *ki-niš nap-li-si-in-ni-ma le-qe*$_2$*-e un-ni-ni-ia*
24. *er-de us-ki iš-di-ḫu li-ku-na*
25. *ser*$_3$*-da-a-ki a-ḫu-zu lu-be*$_2$*-el ṭu-ub lib*$_3$*-bi*
26. *u*$_2$*-bil ab-ša*$_2$*-na-ki pa-ša*$_2$*-ḫa šuk-ni*
27. *u*$_2$*-qe*$_2$*-'i*[18] *reš-ki li-ši-ra sa-li-mu*
28. *aṣ-ṣur ša*$_2$*-ru-ra-ki lu-u*$_2$ *taš-mu-u*$_2$ *u*$_3$ *ma-ga-ru*
29. *eš-te-'-u*$_2$[19] *nam-ri-ir-ri-ki lim–mi-ru zi-mu-u*$_2$*-a*
30. *as-ḫur be-lut-ki lu-u*$_2$ TI.LA *u*$_3$ *šul-mu*
31a. *lu-ur-ši* ^{d}ALAD SIG$_5$ *ša*$_2$ *pa-ni-ki*
31b. *ša*$_2$ *ar*$_2$*-ki-ki a-li-kat*$_3$ ^{d}LAMA$_3$ *lu-ur-ši*
32. *ša*$_2$ *im-nu-uk-ki meš-ra-a lu-uṣ-ṣip dum-qa lu-uk-šu-da ša*$_2$ *šu-me-lu-uk-ki*
33. *qi*$_2$*-bi-ma liš-še-me*$_2$ *zik-ri*
34. *a-mat a-qab-bu-u*$_2$ *ki-ma a-qab-bu-u*$_2$ *lu-u*$_2$ *ma-ag-rat*
35. *ina ṭu-ub* UZU *u ḫu-ud lib*$_3$*-bi i-tar-ri-in-ni u*$_4$*-me-šam*
36a. U$_4$.MEŠ*-ia ur-ri-ki ba-la-ṭa šur-ki*

---

[10] I wonder if the *hapax* (^{d})*a-na-ti-ma* (see *Die Kunst des Betens*, 192 [MS A2 and MS D] and 201) is a Sandhi writing for what is likely in MS A1, [^{d}]*a-nu* [*at-ti-*(*ma*)]. All cited variants may be found in Zgoll's score (*Die Kunst des Betens,* 192–97), though my use of brackets, etc. may slightly differ.

[11] MS A2. MS B reads *in-na-du-u*$_2$; MS C, [*i*]*-nam-du-u*.

[12] MS D. MS C reads *šu-ut pa-a*.

[13] MS A2. MS B reads *m*[*i-iḫ*]*-ra-*⌜*at*⌝*-*[*k*]*i*; MS C, *mi-ḫir-ki*.

[14] MS B omits *ni-ši*.

[15] MS A2 likely reads [*taš-mu*]*-u*$_2$ *u ma-ga-ru sa-li–m*[*u*]. MS B, *taš-mu-u ma-ga-ru*; MS C, *taš-mu-u u sa-li-mu*.

[16] MS A2. MS B reads *še-mu-ki*; MS C, *ša*$_2$*-mu-ki*.

[17] MS A2. MS B reads [*be-e*]*l-ti*; MSS C and E, ^{d}GAŠAN-MU.

[18] MS A2. MSS C and E read *uq-qu*.

[19] MS C reads *e-še-'i* rather than the perfect, as in MSS A2 and E.

36b. *lu-ub$_2$-luṭ lu-uš-lim-ma lu-uš-tam-mar* DINGIR-*ut-ki*
37a. *e-ma u$_2$-ṣa-am-ma-ru lu-uk-šu-ud*
37b. AN-*u$_2$* ḪUL$_2$-*ki* ABZU *li-riš-ki*
38a. DINGIR.MEŠ *ša$_2$ kiš-ša$_2$-ti lik-ru-bu-ki*
38b. DINGIR.MEŠ GAL.MEŠ *lib$_3$-ba-ki li-ṭib-bu*

I.3 Translation

1. Incantation: O heroic Ishtar, cherished one among the goddesses,
2. Torch of the heavens and earth, brilliance of the world,
3. Innini, firstborn of Sîn, offspring of Ningal,
4. Twin sister to the bearded, resplendent warrior Shamash,
5. O Ishtar, you are (like?) Anu, you rule the heavens.
6. Like Enlil, the counsellor, you command the habitations.
7. Mummu, creator of the rites and lustrations,
8. At the instruction of Ea, you hold the bonds in the Apsu.
9. Wherever ground plans are formed, brickwork laid out,
10. (There) you appoint those endowed with speech, like Shamash.[20]
11. If among the Igigi, where (is) your equal?
12. If among the Anunnaki, where (is) your rival?
13. You are the one who establishes, (yet) in the womb of the people, poverty (and) profit.
14. You change fates so that the unfortunate thrives.

15a. (When) I searched among the gods, prayers were presented to you.
15b. (When) I turned to the goddesses, you were the one to beseech.[21]

16. A protective spirit (is) before you; a divine guardian (is) behind you.
17. Justice (is) at your right; favor (is) at your left.
18. Acceptance and consent (and) peace[22] are firmly established at your head.
19. Life and wholeness revolve around you.[23]
20. How sweet (it is) to pray to you; how near (is) your hearing.
21. Your seeing (is) acceptance, your command (is) light.
22. Have mercy on me, O Ishtar, command my prosperity.
23. Look upon me in earnest and accept my prayers.
24. I have pursued your course; let prosperity remain with me.[24]
25. I have seized your carrying pole; let me lay claim to goodness of heart.
26. I have carried your yoke; implement the releasing (of anger).
27. I have waited on you; let peace come to me straight away.
28. I have kept watch of your radiance; may there be acceptance and consent.
29. I have sought out your splendor; may my countenance shine (with joy).

---

[20] Literally, "the one equipped with a mouth." The idea in this line seems to be that Ishtar is the one who appoints those who by dint of their verbal commands look to be in charge of construction projects.

[21] The translation is indebted to CAD B, 2. Literally, "to you (was) the beseeching."

[22] Zgoll prefers to understand the last two terms as in construct: "consent of favor" (*Die Kunst des Betens*, 198, n. 328 and 202).

[23] Lit. "all around you life and wholeness stand in a circle."

[24] The translation is indebted to CAD U/W, 283.

30. I have turned to your sovereignty; may there be life and wholeness.
31a. May I acquire the favorable protective spirit who (is) before you.
31b. May I acquire the divine guardian who follows after you.
32a. May I add the wealth that (is) at your right (side).
32b. May I achieve the favor that (is) at your left.
33. Command that my utterance be heard.
34. May the word that I speak be accepted when I speak (it).
35. Guide me every day in a sound body and gladness of heart.
36a. Lengthen my days. Grant (me) well-being.
36b. Let me be healthy; let me be whole, so that I may continually praise your divinity.
37a. Whatever I strive for, let me achieve.
37b. May the heavens rejoice over you. May the Apsu be glad on your account.
38a. May the gods of the world (lit. everything) greet you.
38b. May the great gods make your heart glad.

I.4 Basic Literary Structure

As others have recognized, the prayer falls into two equal halves of twenty-two lines. The first half comprises the invocation and hymnic introduction (lines 1–22); the second, the supplication proper and closing praise (lines 22–36b, 37a–38b).[25] Although its supplication and closing praise are longer than is usual, the prayer exhibits the typical tri-partite structure of Akkadian incantation-prayers.

II. Fundamental Macro-Level Elements of the Text

In an important article published in 2003, using art historical and literary evidence,[26] Zgoll outlined the sequential elements in a common ancient Mesopotamian social interaction that she calls an "audience."[27] According to Zgoll, a social inferior (henceforth, subordinate) in ancient Mesopotamia, having some concern or need, initiated an "audience" when he or she approached a social superior (henceforth, authority)[28] in order to seek aide or redress with regard

[25] For a more detailed investigation into the literary structure of the prayer, which is not necessary for the present purposes, see Zgoll's commentary (*Die Kunst des Betens*, 206–33) and Charlotte Ann Wright's observations ("The Literary Structure," 74–100).

[26] Her art historical evidence comes from a variety of so-called "presentation scenes." In terms of literary evidence, she draws especially on the Akkadian tale entitled *The Poor Man of Nippur*. See now Ottervanger, *Tale of the Poor Man of Nippur* for a recent handbook edition of the text.

[27] Zgoll, "Audienz." See also her *Die Kunst des Betens*, 29–30. For a more recent introduction to the concept of an "audience," with references to earlier art historical studies related to "presentation scenes" and a summary of Zgoll's work, see Frechette, *Mesopotamian Ritual-prayers of "Hand-lifting"*, 28–33.

[28] I borrow the language of "subordinate" and "authority" in an audience from *Die Kunst des Betens*, 29. The Egalkura incantations attest to the anxiety that could arise in a subordinate seeking audience with an authority. See Stadhouders and Panayotov, "From Awe to Audacity."

to some situation. This social encounter between a subordinate and an authority was a well-known, widely-dispersed, and culturally-scripted interaction that placed very specific behavioral expectations on both participants and invoked the socially-rooted moral order to the benefit of the subordinate. That is, a successfully initiated audience would normally lead to the authority's *obligation* to assist in alleviating or redressing the subordinate's concern(s). Zgoll organizes the expected behaviors in this interaction into ten sequential steps, the performance of which mostly falls on the subordinate. They are:

1. The subordinate's admittance into the authority's presence by way of a gatekeeper
2. The subordinate's initial entry into the authority's presence
3. The subordinate's presentation of a greeting gift
4. The subordinate's gesture of greeting
5. The subordinate's utterance of a spoken greeting
6. The authority's counter-question (*Gegenfrage)* to inquire about the subordinate's need/concern
7. The subordinate's spoken description of his needs and concerns
8. The authority's reaction (contingency: acceptance or rejection?)
9. The subordinate's expression of gratitude (upon acceptance)
10. The subordinate's departing gesture

One may take issue with one or another element in Zgoll's reconstruction of the audience model.[29] And we should, of course, recognize that such a social model is likely a simplification, as all heuristic models are; that is, audience interactions could, and very likely *would* have differed in some ways by region and time period in ancient Mesopotamian cultures. Still, I think Zgoll argues convincingly that this particular social interaction provides a good working model for understanding the ritual and rhetoric of *šuila*-prayers, as is Ištar 1. Like its inter-human counterpart, a *šuila*-prayer is essentially a supplicant's attempt as a subordinate to initiate an audience with the deity, i. e., the authority, to whom the supplicant prays. The presumption, of course, is that the deity, being suprahuman, has the power, if also the willingness, to help the supplicant with regard to their concern and/or need.

Zgoll drew on a large number of *šuila*-prayers to illustrate briefly (in her short article) how the ten steps in her social model of an "audience" work themselves out vis-à-vis the *šuila*-prayers. In what follows, I apply the model specifically to Ištar 1, the focus of our attention.

[29] For example, the evidence used to identify the final step actually comes from the prayers that the audience model is intended to explain rather than from non-religious, literary and/or art historical evidence she uses for other elements in the interaction (Zgoll, "Audienz," 196). This, in my opinion, however, does not invalidate the model she proposes. The many elements of the audience event that are clearly known from art historical and non-religious literary texts create a preponderance of evidence so suggestive that using one element from that which was shaped by the model (i. e., the prayers) to fill in one missing element in the model itself (i. e., the social interaction) seems reasonable to me.

Zgoll likened the first step in the model, "the subordinate's admittance into the authority's presence by way of a gatekeeper," to the professional presence and ritual intermediation of the exorcist, who would assist the supplicant in the ritual-prayer that is a *šuila*.[30] The ritual instructions for Ištar 1 do not directly attest this function of the exorcist, but what we know about *šuila*-prayers in general and the inclusion of our specific prayer, according to MSS A1 and A2, in the royal *Bīt Salā' Mê* and *Bīt Rimki* ritual ceremonies establish the exorcist's involvement without a doubt. Moreover, practically speaking, the exorcist would likely have fed the lines of the prayer to the (typically illiterate) supplicant, who would have recited (i. e., performed) the prayer as prescribed. Without this script assistance, without the exorcist's intermediary role, there would be no prayer and thus no supplicant.

The second step, "the subordinate's initial entry into the authority's chamber," is something more of a setting rather than an action. In any case, Zgoll noted that many prayers were uttered at night on a roof, and she interpreted the astral element of the deity, described explicitly oftentimes in the prayer itself, as a reflection of this element of the audience.[31] Although the ritual instructions attached to the various witnesses of Ištar 1 do not explicitly mention the time for reciting the prayer, we know about its nocturnal recitation in a series of prayers directed to other astral deities and stars from both the *Bīt Salā' Mê* and *Bīt Rimki* ritual ceremonies.[32] Ištar's astral aspect as the planet Venus comes out explicitly in our prayer in line 2, where she is referred to as "the torch of the heavens and earth, brilliance of the world."

The third element in the model, "the subordinate's presentation of a greeting gift," has its reflection in the prayers in the various offerings one finds listed in the attached ritual instructions and sometimes mentioned in the prayer itself.[33] Although these instructions are fragmentary for Ištar 1 (see MSS A2, B, C, D, and E) and thus not entirely clear, the presence of ritual instructions that include some kind of offering demonstrates this particular element beyond doubt.

The next element in the audience interaction, "the subordinate's gesture of greeting," has received a lot of attention. Although Zgoll mentions the supplicant's bowing and/or kneeling at the time of prayer, the gesture of most interest in her understanding of an audience is the raising of the supplicant's hand(s).[34] Christopher Frechette has thoroughly developed Zgoll's idea that the gesture of raising (Sumerian il_2) a hand (Sum. šu), which has given its name to the kind of prayer under consideration (Sum. šu-il_2-la_2, etc.), is a gesture of

[30] Zgoll, "Audienz," 191–92. See previously, Maul, *Zukunftsbewältigung*, 67 (cited by Zgoll).

[31] Zgoll, "Audienz," 183–84, 192–93. She also discusses ritual activities that took place in the presence of the deities in temples.

[32] See Ambos, *Der König im Gefängnis*, 164–65, 188–91.

[33] Zgoll, "Audienz," 193.

[34] Zgoll, "Audienz," 193–94.

greeting.[35] When the subordinate greets the authority with an up-raised hand, the subordinate clearly indicates that their entry into the authority's presence is to gain an audience and thus a petition or request of some kind will be forthcoming. In the context of a *šuila*-prayer, the gesture, as Frechette has stated, is "a salutation signaling recognition of a reciprocal but asymmetrical relationship between client and deity …, provid[ing] a particularly apt ritual focus for expressing both the *desire* to (re)establish such a relationship with the deity and the *anticipation* of the deity's acceptance of this relationship and favorable response to the petitions presented."[36] As mentioned above, this gesture of greeting was so fundamental to the kind of prayer under consideration that the gesture became a label for this *kind* of ritual-prayer itself, not in terms of its genre so much as its function. And thus, we find the gesture as a label, included in the rubric of most of the textual witnesses to Ištar 1 (MSS A1, A2, B, D, E), thereby describing the prayer as a hand-raising prayer or, in a freer translation, prayer of salutation.

The next step in the audience model, "the subordinate's utterance of a spoken greeting," is very prominent in the text of *šuila*-prayers in the form of the prayers' introductory or opening praise directed at the deity.[37] In our text, this praise occupies the first twenty-two lines of the prayer. Because *šuila*-prayers are directed at high gods of the pantheon, such as is Ištar, and not, for example, personal gods or family ghosts, the invocation of the deity is followed by an extensive discourse of praise that comprises a litany of epithets, honorifics, and superlatives. As I argued a dozen years ago, these lengthy laudations reflect the high status of the deity addressed and therefore imply a lack of familiarity and intimacy; that is, the extensive exultations reflect a ritual *relational* distance between supplicant and deity.[38]

Looking at this issue from the perspective of proxemics, "the study of the distance people keep between themselves and others within an encounter,"[39] the introductory praise likely also reflects the *spatial* distance between the supplicant and the deity, and attempts to close this distance – even if not obviously in space-time, then ritually – to some degree for the purpose of the supplicant's successful audience with the deity. In our prayer, this is implied toward the end of the introductory praise in lines 20–21, where the supplicant says, "How sweet it is to pray to you; how near is your hearing; your seeing (is) acceptance."[40] In Edward

[35] Frechette, *Mesopotamian Ritual-prayers*, passim.

[36] See Frechette in Lenzi, *Reading Akkadian Prayers*, 35 (emphasis original). If Frechette is correct, and I think he is, *šuila*-rituals are a restorative kind of ritual, "by means of which the moral order is reinstated" (Kádár, *Politeness, Impoliteness and Ritual*, 4) and the perceived alienation or divine disapproval is dissolved.

[37] Zgoll, "Audienz," 195.

[38] Lenzi, "Invoking the God." One typically finds only a few brief epithets in prayers to a personal deity or family ghost. See, e. g., Lenzi, *Reading Akkadian Prayers*, 143, 443.

[39] Watson and Hill, "Spatial Behaviour," 301.

[40] Note the similar idea in the phrase "I call on you from afar, hear me as though nearby,"

Hall's classic book on proxemics, *The Hidden Dimension* (1969, originally, 1966), Hall developed a taxonomy for thinking about spatial distance between persons in light of their social relationships. He distinguishes four zones of interaction, each with a close and far phase.[41] His first two zones, 'intimate' and 'personal' distances, do not apply in our supplicatory situation. In the former of the two zones bodily contact is expected or likely (e. g., with family members or a romantic partner); in the latter, bodily contact is still possible (i. e., people are within arm's reach of one another). The two other, less proximate zones of interaction he calls 'social' and 'public' distances. Applying the former to an American social setting, Hall writes, "[p]eople who work together tend to use close social distance. It is also a very common distance for people who are attending a casual social gathering" (121). Describing the far phase of 'social' distance, he states "[b]usiness and social discourse conducted at the far end of social distance has a more formal character than if it occurs inside the close phase." 'Public' distance, he describes, "is well outside the circle of involvement" (123). Its far phase may be used, for example, to insulate public figures from a crowd. Writing about the practical implications of the far phase of 'public' distance, Hall writes, "Most actors know that at thirty or more feet [nine meters and beyond] the subtle shades of meaning conveyed by the normal voice are lost as are the details of facial expression and movement. Not only the voice but everything else must be exaggerated or amplified. Much of the nonverbal part of the communication shifts to gestures and body stance" (125). Although we should exercise due caution in an attempt to use proxemics on historical data, especially since absolute (rather than relative) spatial distances vary from culture to culture, Hall's taxonomy is heuristically useful to think about the supplicant's goal in initiating an audience in our prayer. It seems to me that the supplicant wishes to move from the 'public' distance, in which the deity has no personal involvement with the supplicant and is quite literally out of reach, especially so if the deity is addressed in her astral form (as is likely in our prayer), to a 'social' distance, perhaps of the far phase, in which the supplicant, granted entry into what would be considered a transactional social relationship, may present petitions and various reasons the deity should grant them (see the *do ut des* element of the prayer discussed below). This movement between Hall's 'public' and 'social' zones of interaction explains

rūqiš alsīka qerbiš šimanni, when addressed to a god; *rūqiš alsīki qerbiš šiminni*, when addressed to a goddess. For attestations of the phrase in incantation-prayers, see Mayer, *Untersuchungen*, 130.

[41] Hall attaches real distances, measured in feet, in his initial presentation of the taxonomy (*Hidden Dimension*, 113–29), which centers on American social practices of the 1960's, but he recognizes that the real distances of each zone of interaction are in fact relative and vary from culture to culture, as he shows in two chapters (see pp. 131–64). One need not subscribe to his conclusions and over-generalizations about, e. g., the Germans, the Japanese, and the Arabs – he treats these national/ethnic groups monolithically – to see the taxonomy as heuristically useful.

the ritual offerings (i. e., the deity is attracted to what is essentially a meal). And it may also give us one more perspective on the initial kinesthetic gestures the supplicant uses as they initiate the audience – bowing, kneeling, and/or hand-raising. These gestures would be readily visible from a 'public' distance before any words were uttered. The supplicant's successful closing of the distance may be implied in line 23, for which see below.

Seeing the introductory praise as an attempt to decrease the distance between the supplicant and the deity also finds support in insights from politeness theory, a branch of pragmatics. The supplicant's praise within the audience event-discourse can be considered a form of positive politeness and construed as culturally-requisite before making a request. Thus, rather than seeing the litany of epithets, honorifics, and superlatives as simply a rational strategy to "butter up" the deity before making a request,[42] I think it is better to understand the introductory praise as positive politeness within the audience event-discourse. Such positive politeness was culturally expected in this kind of asymmetrical social interaction.[43] Without this performance of praise, the audience event would not have proceeded as the subordinate would have hoped because the lack of praise would have been an affront (i. e., inappropriate and impolite) to the authority figure, the deity. And thus there would not have been any movement closer to present petitions. While recognizing this broad socio-cultural perspective on the positive politeness in the text as a whole, I think we can also see how specific lines of praise might perform some further, more defined rhetorical purpose. To gain perspective on this, I turn to Brown and Levinson, who describe "[p]ositive-politeness utterances . . . as a kind of metaphorical extension of intimacy, to imply common ground or sharing of wants to a limited extent even between strangers who perceive themselves, for the purposes of the interaction, as somehow similar. For the same reason, positive-politeness techniques are … a kind of social accelerator, where S[peaker], in using them, indicates that he (*sic*) wants to 'come closer' to H[earer]."[44] Although Brown and Levinson subscribe to a rational, strategic approach to politeness, which has been criticized in

[42] See Lenzi, "Invoking the God," 306 for a couple of examples of earlier (biblical and Assyriological) scholars' views along these lines.

[43] See Kádár and Haugh, *Understanding Politeness*, 21, whose insight in this context, although based on the use of honorifics in Japanese, seems particularly useful for the present textual analysis.

[44] Brown and Levinson, *Politeness: Some Universals*, 103. For their definition of positive politeness, see pp. 70, 101–3. For a consideration of politeness within a complex of actions and discourse (i. e., as social practice) rather than simply from the perspective of the use of short phrases or brief verbal interactions for rational, strategic purposes, as in Brown and Levinson's classic treatment, see, e. g., Kádár and Haugh *Understanding Politeness*, who also offer a survey of previous theories and scholarship on politeness (pp. 13–56). For a very succinct history of politeness theories, see Kádár, *Politeness, Impoliteness and Ritual*, xi–xv.

the opening decades of this century,[45] and likely over generalize here, their description of the effects of positive politeness may shed light on lines 15a–15b of our prayer, where the prayer describes the supplicant's active role in deciding to direct prayers to Ištar:

> (When) I searched among the gods, prayers were presented to you.
> (When) I turned to the goddesses, you were the one to beseech.

In these lines, the supplicant recognizes (i. e., tells the goddess about) their many options for help and states explicitly that they have specifically chosen Ištar among all of the deities to which they might have turned. These lines provide – I think rhetorically in the text if not emotionally in any living, human supplicant – another perspective on the distance closing purpose of the praise as described above from the perspective of proxemics. The supplicant, already in their praise, indicates their great desire to draw near and thereby gain an audience with Ištar.[46]

It is worth noting that there are no examples in our prayer – and to my knowledge, no examples in other *šuila*-prayers – of what Brown and Levinson call negative politeness,[47] the kind of politeness exemplified in the English prefatory phrases "if it's not too much trouble" or "if you don't mind" before a stated request.[48] (See the use of imperatives in prayers below.) With politeness theory in mind, it is also worth noting that Akkadian does not make a T-V lexical or morphological distinction; that is, Akkadian does not distinguish between formal and familiar pronouns (e. g., the sociolinguistic use of *tu* vs. *vous* in French) or verbal forms (e. g., *bist* vs. *sind* for the second person singular copulative in German). Thus, when the deity is addressed with the second person pronoun in lines 5 and 13, the pronoun is simply *attī*, as is usual – there is no alternative.[49] Although this usage is simply a fact of Akkadian grammar, the absence of a T-V distinction in Akkadian means when formality was perceived as required (as one suspects it is in the cases of both 'public' distance and the far phase of 'social' distance), the speaker had to use other means to express it. Although the issue requires further investigation, we might consider this grammatical absence in

[45] See the summary of their theory and a round-up of criticisms against it in Kádár and Haugh, *Understanding Politeness*, 13–35.

[46] See likewise Zgoll's comments on these lines, where she recognizes the unusual use of first person verbs (*Die Kunst des Betens*, 217).

[47] See Brown and Levinson, *Politeness: Some Universals*, 70 and 129–30 for their definition of negative politeness, which is centered on various kinds of linguistic "redressive action" used when one imposes on or impedes an addressee's attention and/or freedom of action.

[48] Sallaberger's examination of politeness in some 2500 Old Babylonian letters notes few examples of negative politeness ("*Wenn Du mein Bruder bist, …*"); see pp. 206–11 for his synthesis of the issue. (For application of Brown and Levinson's model of politeness to Late Babylonian letters, see Schmidl, "Some Remarks on Language Usage.")

[49] See likewise the use of the dative *kâši* in line 15b. For an explanation of the strange orthography in line 5, see note 10 above.

Akkadian as a contributing factor for the length and character of praise the supplicant expresses at the opening of *šuila*-prayers.[50]

The next three elements in Zgoll's model of audience, "the authority's counterquestion (*Gegenfrage)* to inquire about the subordinate's need/concern," "the subordinate's spoken description of his needs and concerns," and "the authority's (hopefully positive) reaction,"[51] need to be treated together as we think about the model's application to our prayer. The first and last of these three elements, representing the authority's actions, cannot be known or verified in the context of a prayer directed to a deity, in our case, directed to Ištar in the form of Venus. One could imagine any number of cultic situations in which a priest or officiant, representing the deity, speaks the expected inquiry to the supplicant and then provides a (favorable) verbal reaction to the supplicant's expression of need. But we do not have any indication of such ritual action or the requisite pause in the various sections of the prayer for such replies. The supplicant simply proceeded uninterrupted or undeterred from the initial praise on to reciting their needs and concerns – the petitions in the prayer; and they did this because the exorcist, who was feeding the supplicant the lines to speak, also proceeded. As the exorcist was the intermediary figure between the supplicant and the deity, the supplicant would have every reason to trust the process. Thus, as they are constructed, the prayers presumed the deity's willingness to hear the supplicant's concerns and presumed the deity's positive reaction to come to the supplicant's aide after hearing them. Unlike some of the *šuila*-prayers, the petitionary section of our prayer has a very prominent place in the text, occupying lines 22–37a. I offer some observations on particular elements of the petitions in the final section below, where I consider micro-level features of etiquette and manners in the prayer.

The last two elements in Zgoll's model of the audience are "the subordinate's expression of gratitude" and "the subordinate's departing gesture."[52] Unlike many other *šuila*-prayers, which end on a one line note of thanksgiving, "let me proclaim your greatness and resound your praises" (*narbîki lušāpi dalilīki ludlul*), our prayer has a larger than usual element of concluding praise, filling out the final three lines, numbered here as lines 37b–38b. Note also the promise of praise joined to a petition in line 36b, *luštammar ilūtki*, "I will continually praise your divinity." A departing gesture, such as kneeling or bowing, known from other *šuila*-prayers,[53] is not clearly indicated as a final gesture in the rather frag-

[50] For the T-V distinction in the context of a comparative discussion of politeness in historical texts, see Bax and Kádár, "Historical Understanding of Historical (Im)politeness," 11–12.
[51] Zgoll, "Audienz," 195.
[52] Zgoll, "Audienz," 196.
[53] Zgoll, "Audienz," 196.

mentary ritual instructions on the textual witnesses to our prayer.[54] Expressions of gratitude and the departing gesture(s) in *šuila*-prayers can be seen as forms of positive politeness, requisite for the enactment of a proper and thus successful audience with the deity. They also (again) underline the asymmetrical relationship between subordinate and authority. In terms of proxemics, the supplicant's ritual performance of these elements of the audience indicates the audience's conclusion and thus the supplicant's return to the default 'public' distance that would normally exist between the deity and the supplicant.

III. Observations on Micro-Level Elements in the Text

The audience interaction provides an important social model for our understanding of the macro-elements of ancient Mesopotamian prayer, especially the kind designated *šuila*. In the remainder of this contribution, I focus on a few particular issues in the petitionary section of our prayer that may shed more light on the manners and etiquette reflected in it. As various other *šuila*-prayers employ the same or similar words and phrases (or ideas that these convey), our text may be taken as representative, allowing a vista onto the broader supplicatory landscape of ancient Mesopotamia.

The first item I wish to address in the petitionary section of this prayer is one that applies generally to the entire section, namely, the morphology of the verbs that the supplicant employs: imperatives (e.g., *rēmīnni*, "have mercy," in line 22) and precatives (e.g., *lurši*, "may I acquire," in line 31a; similarly, *lū magrat*, "may (the word) be accepted" in line 34).[55] In other incantation-prayers, we find the negative counterparts to each, namely, prohibitives ("do not") and vetitives ("may it not"). In the past, I had often thought that the supplicants in ancient Mesopotamian prayers showed a remarkable boldness or presumptuousness in the use of these verb forms in their petitions. (In fact, we see the same kind of verbs in prayers in other literatures arising in Western Asia, especially those associated with Judaism, Christianity, and Islam). But this assessment may be more an artifact of my own cultural-linguistic context than one based on historical and cultural considerations. Leaving aside the supplicant's presumptuousness as an explanation, one might be tempted to construe the positive and negative

[54] See, however, MS C, rev. 23 and MS E, rev. 21′ for possible candidates for such a gesture. One cannot determine, due to the fragmentary and otherwise conceptually laconic context whether these ritual gestures apply to initiating the audience or departing from it. Zgoll seems to interpret them as applying to both beginning and ending: "Sie ist somit Zeichen der Begrüßung und der Verabschiedung und rahmt die Ansprache an die hochgestellte Person" ("Audienz," 196).

[55] See Wright, "The Literary Structure," 83–85 for a table showing all of the verbs used in the prayer. Even a casual perusal of the prayer shows the predominance of imperatives and precatives in the second half of the prayer.

imperatival forms as a reflection of the supplicant's urgency in making their entreaty (literally or metaphorically), as Brown and Levinson have suggested for such grammatical forms.[56] They classify imperatival entreaties as examples of a "bald-on-record" strategy, which they construe as neither polite nor impolite but simply a reflection of the exigencies of the speech-act's circumstances.[57] This idea, however, does not work very well for our prayer's ritual context in which the exorcist is feeding the lines to the supplicant, who, according to the ritual instructions in MSS A2 and D, recited the entire prayer three times. There is no good indication of great urgency or *any* deep emotional involvement of the supplicant with the content of the prayer itself. There must be a better explanation.

When one considers the audience event as a whole, by the time the supplicant reaches the point when it is appropriate to express concerns and petitions, they have been granted permission within this very circumscribed time and place of the audience event to speak directly to the authority figure, the deity.[58] It may be that within this particular kind of event and within this circumscribed time and place these volitive grammatical forms (both positive and negative) were the expected rhetorical form for couching what one wanted to say. Directness was, one suspects, simply the way one should proceed, perhaps even the polite way to proceed. Indirectness may have been construed as not only inappropriate but also unwise because one had already importuned the authority for a hearing. Moreover, it may also be the case that these grammatical forms were employed as a means of again marking the asymmetrical, hierarchical relationship between subordinate and authority, that is, supplicant and deity. The subordinate, recognizing their inability to resolve their issue without the authority's help and having been granted an audience to seek that help, presents themselves at the mercy of the authority (see line 22, *rēmīnni*, "have mercy on me"), using the kind of language one would use to seek help as one who is otherwise powerless in the situation. Thus, it seems to me the use of volitives is not so much

[56] Brown and Levinson, *Politeness: Some Universals*, 95–98; compare Kádár and Haugh, *Understanding Politeness*, 23–25.

[57] Recent theories of politeness in pragmatics recognize that a particular behavior or a particular grammatical form is not the best basis for determining whether or not some act (speech or behavior) is polite or impolite; rather, the best basis lies in the participants' evaluations of the behaviors and language used (see, e. g., Kádár and Haugh, *Understanding Politeness*, 57). Getting at this kind of information is typically difficult for those studying ancient texts. However, in a rather strongly scripted social interaction (Kádár, *Politeness, Impoliteness and Ritual* treats these kinds of interactions as "rituals") such as I think an audience was, there would have been a clear expectation of how a proper audience interaction *should* unfold. I think it is generally a safe working hypothesis to hold that to go against the script (or expectations / norms) would have been evaluated as improper or impolite. We can certainly see that in the tale of the *Poor Man of Nippur*. When the poor man does everything correctly to gain the authority's help but the authority does not hold up his end of the deal, the poor man takes his revenge as one deeply wronged.

[58] On the general issue of politeness as an *emergent* element in the course of interactions, see Kádár and Haugh, *Understanding Politeness*, 115–19.

a matter of urgency but a reflection of the power dynamic in the hierarchical relationship between the ones involved in the audience.[59]

Turning to particular phrases: In the previous section, I noted how the phrases "how near (is) your hearing; your seeing (is) acceptance" in lines 20–21 in the closing lines of the hymnic portion of the text indicate the supplicant's desire to close the spatio-relational distance between the deity and himself. The supplicant now makes direct appeal to both senses in line 23 – only the second line of the petitionary section of the prayer – to express his concerns, as in line 22, at a rather general level: "look upon me in earnest and accept my prayers" (*kīniš naplisīnnī-ma leqê unninīya*).[60] To ask the deity to do these things is to assume the supplicant is now within the range of the deity's seeing and hearing. The prayer affirms the supplicant is proximate to the deity. But, proximity is not enough; proximity is not genuine presence – it does not guarantee a successful audience. The supplicant needs the deity's earnest *attention* so that she may see the supplicant's situation, hear their prayer, and grant them a favorable outcome. For this reason, the request for the deity to look at the supplicant in our prayer should be connected to an understanding of the various orientations the face of a deity may take: turned away in anger or (re)turned toward a person who has garnered the deity's mercy or favor.[61] A classic text for seeing this understanding of the orientation of the deity's face occurs in *Ludlul* II 4–5, where the protagonist of the poem describes his alienation from his personal deities:

> *ila alsī-ma ul iddina pānīšu*
> *usalli ištarrī ul ušaqqâ rēšīša*
> I called to (my) god, but he did not pay attention to me (lit. did not give me his face),
> I implored (my) goddess, (but) she paid me no heed (lit. did not raise her head toward me).[62]

The turning away of a deity's face indicates anger, as line 77 and 93 of the Great Ištar *Šuila*-Prayer (Ištar 2) show clearly:[63]

---

[59] It is interesting that Piccin, in a recent comparison of a small number of Neo-Assyrian petition-letters to the king (N = 17) and ten Akkadian prayers (two Old Babylonian and eight Standard Babylonian), finds that whereas the prayers use both precative and imperative verbal forms, the letters use only precative ones (*Linguistic Aspects of Persuasiveness*, 284). Before drawing far-ranging conclusions from her limited study, I think the matter requires further investigation in terms of the number of texts – both letters and prayers – investigated and time periods surveyed.

[60] For the tight structural relationship between the closing lines of the opening hymn (lines 20–21) and the opening lines of the petitionary section (22–23), see Zgoll, *Die Kunst des Betens*, 208–9.

[61] For various examples from ancient Near Eastern texts of the positive benefit to a subordinate for looking upon the face of a human authority, see Chavel, "The Face of God," 11–15 (reference courtesy of Jeffrey Stackert).

[62] For this translation, see Lenzi, *Suffering in Babylon*, 71.

[63] Zgoll, *Die Kunst des Betens*, 41–67 for a critical edition. For lines 77 and 93, see pp. 46–47.

ilī ašar šanimma suḫḫurū pānūšu (77)
(As for) my (personal) god: his face is turned elsewhere.

adi mati bēltī zenâtī-ma suḫḫurū pānūki (93)
How long, my lady, will you be angry and your face turned away?

This same long *šuila*-prayer exemplifies well the fact that the deity's face turned toward the human in need or the deity's looking upon the human in need (that is, the line of sight) is essential for the supplicant's success. Note the following lines in the prayer:

tapallasī ḫablu u šagšu tušteššerī uddakam (26)
You look upon the wronged and oppressed, you set (them) aright every day.
ašar tappallasī iballuṭ mītu itebbi marṣu
iššir lā išaru āmiru pānīki (40–41)
Wherever you look, the dead person lives, the sick one rises up.
The one who is not right, who looks at your face, is set right.
damqātu īnāki libšâ elīya (53)
May your favorable eyes be upon me.
kīniš naplisīnnī-ma šimê teslītī (44)
Look earnestly upon me and hear my prayer.
ina būnīki namrūti kīniš naplisīnni yâši (54, see also 92)
With your radiant countenance, look upon me earnestly.[64]

This brings us back to the issue of reciprocity, which in Zgoll's model of the audience is a fundamental precept. The subordinate brings a gift and seeks help. If the authority accepts the subordinate's gift(s) and grants a favorable audience, then the authority is obligated to provide assistance. This expectation of reciprocity in the social interaction of an audience accounts well for our prayer's *do ut des* rhetoric – rather typical in ancient Mesopotamian prayers – in our prayer's petitionary section, which, as one will recall, occupies a middle position between the authority's (implied) inquiry into the subordinate's concern/need and the authority's (implied, positive) reaction to the subordinate's petitions. Since a positive reaction has yet to be determined in the course of the ritual – even if a positive outcome is a foregone conclusion, the supplicant presents reasons for a positive response from the deity intermingled with their petitions. The supplicant in Ištar 1 shows no reluctance about using the *do ut des* principle rather explicitly and repeatedly, as one can see in lines 24–30.[65] Here, his liturgical or cultic acts (in a procession of the divine image?)[66] provide the reasons for the granting of his petition in each line. He gives to the deity to get from the deity.

[64] Zgoll, *Die Kunst des Betens*, 43–45 for lines 26, 40–41, 44, 53, and 54.

[65] Note Zgoll's assessment of the supplicant's confidence: "In dieser Schilderung [lines 24–37a] findet sich das oben festgestellte Selbstvertrauen und Selbstbewußtsein des Beters wieder. Er hat ein Anrecht auf Beistand" (*Die Kunst des Betens*, 224; see also 222).

[66] Zgoll, *Die Kunst des Betens*, 222.

Although there are likely other features in this prayer that could benefit from the kind of analysis presented above, space does not permit their examination. The present contribution is a first foray and is offered as a kind of proof-of-concept or demonstration of the potential that pragmatics, proxemics, and research related to interpersonal communication and social behavior offers the ancient historian of religions. If prayer in ancient Mesopotamia was based on analogies with the human-to-human social spheres, as I think it was,[67] then there is much to be learned from further research along these lines.

Bibliography

Ambos, Claus. *Der König im Gefängnis und das Neujahrsfest im Herbst: Mechanismen der Legitimation des babylonischen Herrschers im 1. Jahrtausend v. Chr. und ihre Geschichte*. Dresden: ISLET, 2013.

Bax, Marcel and Kádár, Dániel Z. "The Historical Understanding of Historical (Im)politeness: Introduction." Pages 1–24 in *Understanding Historical (Im)politeness: Relational Linguistic Practice over Time and across Cultures*. Edited by Marcel Bax and Dániel Z. Kádár. Amsterdam/Philadelphia: John Benjamins Publishing, 2012.

Brown, Penelope and Stephen C. Levinson. *Politeness: Some Universals in Language Usage*. Cambridge: Cambridge University Press, 1987.

Chavel, Simeon. "The Face of God and the Etiquette of Eye-Contact: Visitation, Pilgrimage, and Prophetic Vision in Ancient Israelite and Early Jewish Imagination." *JSQ* 19 (2012): 1–55.

Frechette, Christopher. *Mesopotamian Ritual-prayers of "Hand-lifting" (Akkadian Šuillas): An Investigation of Function in Light of the Idiomatic Meaning of the Rubric*. AOAT 379. Münster: Ugarit-Verlag, 2012.

Hall, Edward. *The Hidden Dimension*. New York: Anchor Books, 1969.

Jiménez, Enrique. "New Fragments of Gilgameš and Other Literary Texts from Kuyunjik." *Iraq* 76 (2014): 99–121.

Kádár, Dániel Z. *Politeness, Impoliteness and Ritual: Maintaining the Moral Order in Interpersonal Interaction*. Cambridge: Cambridge University Press, 2017.

Kádár, Dániel Z. and Michael Haugh. *Understanding Politeness*. Cambridge: Cambridge University Press, 2013.

Lenzi, Alan. "Invoking the God: Interpreting Invocations in Mesopotamian Prayers and Biblical Laments of the Individual." *JBL* 129 (2010): 303–15.

–. ed. *Reading Akkadian Prayers and Hymns: An Introduction*. ANEM 3. Atlanta: SBL Press, 2011.

–. "Narrating for Nabû: Power and Persuasion in an Assyrian Prayer to the Scribal God." *SAAB* 25 (2019): 11–45.

–. *Suffering in Babylon:* Ludlul Bēl Nēmeqi *and the Scholars, Ancient and Modern*. OBO 300. Leuven: Peeters, 2023.

[67] See Lenzi, "Narrating for Nabû."

Maul, Stefan. *Zukunftsbewältigung: Eine Untersuchung altorientalischen Denkens anhand der babylonish-assyrisches Löserituale (Namburbi*). Baghdader Forschungen 18. Mainz: Verlag Philipp von Zabern, 1994.

Mayer, Werner. *Untersuchungen zur Formensprache der babylonischen "Gebetsbeschwörungen"*. StPSM 5. Rome: Biblical Institute Press, 1976.

Ottervanger, Baruch. *The Tale of the Poor Man of Nippur*. SAACT 12. Helsinki: The Neo-Assyrian Text Corpus Project, 2016.

Piccin, Michela. *Linguistic Aspects of Persuasiveness in Akkadian – Petitions and Prayers*. AOAT 446. Münster: Ugarit-Verlag, 2021.

Sallaberger, Walther. *"Wenn Du mein Bruder bist, …": Interaktion und Textgestaltung in altbabylonischen Alltagsbriefen*. CM 16. Groningen: Styx Publications, 1999.

Schmidl, Martina. "Some Remarks on Language Usage in Late Babylonian Letters." *Open Linguistics* (2017): 378–95.

Stadhouders, Henry and Strahil Panayotov. "From Awe to Audacity. Stratagems for Approaching Authorities Successfully: The Istanbul Egalkura Tablet A 373." Pages 623–97 in *Mesopotamian Medicine and Magic: Studies in Honor of Markham J. Geller*. Edited by Strahil V. Panayotov and Luděk Vacín. Ancient Magic and Divination 14. Leiden: Brill, 2018.

Watson, James and Anne Hill, eds. "Spatial Behaviour." Pages 301–303 in *Dictionary of Media and Communication Studies*, 9th ed. London: Bloomsbury, 2015.

Wright, Charlotte Ann. "The Literary Structure of Assyro-Babylonian Prayers to Ishtar." Ph.D. Dissertation, University of Michigan, 1979.

Zgoll, Annette. "Audienz – Ein Modell zum Verständnis mesopotamischer Handerhebungsrituale: Mit einer Deutung der Novelle vom *Armen Mann von Nippur*." *BaghM* 34 (2003): 181–203.

–. *Die Kunst des Betens: Form und Funktion, Theologie und Psychagogik in babylonisch-assyrischen Handerhebungsgebeten zu Ištar*. AOAT 308. Münster: Ugarit-Verlag, 2003.

'Awful Silence, Deathly Stillness': Fears and Anxieties among the Gods in Mesopotamian and Indic Literature

Tzvi Abusch and Emily Blanchard West

The recurring motif of gods who, overwhelmed with fear or anxiety in the face of a crisis, solicit help from another god is a frequently repeated element in Near Eastern myth.[1] Its ubiquity is not a mere artifact of narrative construction in tales about the gods, but an integral device reflective of a general world-view and a salient hallmark of tales from the Mesopotamian world. This article first addresses several occurrences of this device in Mesopotamian literature, analyzing the role of these important scenes. Examining the presentation of the gods' fearfulness in texts from Mesopotamia gives us a valuable window into how these texts characterize power, authority, and emotion. We then address the fact that a number of Indic myths are also structured to utilize this motif in a manner strikingly similar to its use in the Mesopotamian tales: numerous texts begin with a description of an existential threat to the gods' well-being and a depiction of the gods' consternation or despair, followed by their attempts to seek help from another god or gods. Comparison with these similar deployments of the same pattern in Indic literature illuminates the two cultures' analogous conceptions of the nature and hierarchies of divine power. Though there are some key differences as well, it is intriguing that in both mythologies, gods are not insulated from mortal fears and anxieties; they too share in this fundamental, if unpleasant, part of the human experience. It is not our primary intention in this article (in contrast to others that we have published) to prove that one culture has drawn from the other; rather, we are struck by the similarities and wish to draw the reader's attention to this surprising commonality.

---

* Association with David Wright in any context, whether only briefly (as Emily has), or over the course of a long and rich collaboration (as Tzvi has), cannot but profoundly influence one's mindfulness regarding the importance of comparative work and its unique potential to reveal significant truths. At Brandeis, David has also been one of the mainstays of a program in Bible and ancient Near East, which with Tzvi's and David's retirement has unfortunately closed; it has been Tzvi's honor and pleasure to work with David for many years in that program.

[1] For the connection between these two texts, see Lambert, *Babylonian Creation Myths*, 202–47; Lambert, "Ninurta Mythology," 55–60; Dalley, *Myths from Mesopotamia*, 230–31; Reynolds, *A Babylon Calendar Treatise*, esp. 50–55.

From Mesopotamia, we choose two representative texts that are related to each other, both in antiquity and in modernity.[2] They are *Enūma Eliš*, "When on High" and the Akkadian Epic of Anzu. Each tells of the glorious deeds of a different warrior god (*Enūma Eliš*: Marduk; Epic of Anzu: Ninurta) and of the role of Ea in creating the situation that each encounters and their victories. We shall review each work in detail, citing in particular the sections in which the god(s) are described as suffering from anxiety due to helplessness in the face of an existential threat. After examining the phenomenon in these particular Mesopotamian narratives, we shall examine some occurrences of this seemingly parallel feature of the narration of many of the myths of India.

I. *Enūma Eliš*[3]

Enūma Eliš begins with a theogony, which tells of the birth of one family of gods, the last two of which are Anu and then his son Ea. The gods play and dance. This bothers the olden gods, who want nothing more than to rest and sleep (I 1–28). Apsu, the first male, decides to kill his descendant Ea, but Tiamat, Apsu's mate and the female parent of the line ending in Ea, refuses to go along with this plan. The gods, their descendants, learn of the plan (I 29–58). With only a few words, the narrative conveys the gods' fears and vividly illustrates the gods as a community bound together by a looming shared terror:

> The gods heard it and were frantic.
> They were overcome with silence and sat quietly. (I 57–58)

But Ea concocts a plan to overcome Apsu: he fashions an incantation, recites it on the waters, and thereby puts Apsu to sleep. He then kills him (I 59–70). He creates his dwelling in Apsu and lives there together with his wife, Damkina. Marduk is conceived and born there, and there he grows to excellence (I 71–104). He plays with the winds that were given to him by his grandfather Anu and thereby brings distress upon Tiamat and her brood (I 105–10):

> He made a wave to bring consternation on Tiamat.
> Tiamat was confounded; day and night she was frantic.
> The gods took no rest, they ..... (I 108–10)

[2] For purposes of this article, these will be considered as two separate occurrences of the motif of divine anxiety, regardless of the texts' genetic connection (but cf. Machinist, "Order and Disorder" and Wisnom, *Weapons of Words*, esp. 4–8). In our view, the *re-use* of the motif – evidence that it resonated with composers and audiences – is more important than the fact that both tales share an origin. Many of the Hindu myths' expressions of divine anxiety also stem from related sources which clearly borrowed from one another.

[3] We cite the text and translation of *Enūma Eliš* from Lambert, *Babylonian Creation Myths*; the reader may wish also to consult Jacobsen, *The Treasures of Darkness*, 165–91; Abusch, "Kingship in Ancient Mesopotamia," 59–64.

At the instigation of the gods who form her brood,[4] Tiamat decides to destroy the family of gods to which Marduk, Ea, Anu, Anšar and Kišar, Laḫmu and Laḫamu belong and creates the troops and monsters who will help her bring about the destruction (I 111–II 3).

When Ea hears of this plot, "He lapsed into silence in his chamber and sat motionless"(II 6). But then he takes action by informing another god of the crisis: he brings news of it to his grandfather Anšar, who is distressed and furious (II 4–52):

> Anšar heard; the matter was profoundly disturbing.
> He cried "Woe!" and bit his lip.
> His heart was in fury, his mind could not be calmed.
> Over Ea his son his cry was faltering. (II 49–52)

He then sends Ea to deal with Tiamat and her forces (II 53–56). Ea justifies his previous actions, which justification is acceptable to Anšar; now Ea agrees to go against Tiamat, but turns back when he confronts her (II 57–82).[5] He returns to Anšar, reports on Tiamat's power, and explains that that is why he turned back (II 83–94). Anšar is furious and sends Anu to confront Tiamat, but also Anu turns back when he confronts Tiamat; he returns to Anšar and reports to him on Tiamat's power (II 95–118).

The text particularly emphasizes the gods' helplessness in the face of the crisis, with a vivid and powerful portrayal of the gods' impasse. Anšar and the other gods know not what to do:

> Anšar lapsed into silence, staring at the ground,
> Nodding to Ea, shaking his head.
> The Igigi and all the Anunnaki had assembled,
> They sat in tight-lipped silence. (II 119–22)

Anšar has no-one who will go in his name; Ea summons Marduk and convinces him to appear before Anšar. Marduk goes and volunteers to be his great-grandfather's warrior. Anšar agrees, but before going out to battle, Marduk sets as a condition that the gods assemble and grant him the right of decreeing destiny (II 119–62).

Anšar sends Kaka to Laḫmu and Laḫamu and the rest of their family of gods with a description of the danger and a request that they assemble and grant Marduk the right of decreeing destiny. They agree to the request. Entering the presence of Anšar, they are joyful, and again, the narrative highlights emotion, counterbalancing their original anxieties with a moving portrayal of a restorative

[4] Cf. I 113–24.

[5] Cf. II 82 and 106. The turning back of both Ea and Anu are described in identical terms: "He stopped, fell silent, and turned back."

celebration of unity before the next set of trials. The opposite of sitting in silence, the expression of anxiety, is eating and drinking and feeling carefree (III 1–138):

> They kissed one another as they . [..] in the assembly.
> They conferred as they [sat] at table,
> They ate grain, they drank ale.
> They stuffed their bellies with sweet cake,
> As they drank beer and felt good,
> They became quite carefree, their mood was merry,
> And they decreed the destiny for Marduk, their avenger. (III 132–38)

The gods test Marduk and then hail him as king (IV 1–34). He prepares for battle and then confronts Tiamat and her host in battle. He is victorious and then begins to create the universe (IV 35–146). He fashions the heavens and the earth (V 1–68). He turns over the tablets of destiny to Anu and deals with the creatures to which Tiamat had given birth (V 68–76). The gods are happy, hail Marduk, and do obeisance to him. He takes up his position as ruler and victor (V 77–106). Lahmu and Laḫamu decree that Marduk is now "Lugaldimmerankia" and the caretaker of their shrine. Marduk then declares that he will build Babylon as a resting place for the gods when they come for assembly (V 107–58).

Marduk creates humankind to labor instead of the gods and liberates the captive gods. He divides the gods into two groups. The gods now ask to build a shrine for Marduk and proceed to build Babylon as well as their own shrines (VI 1–73). The great gods sit down to a banquet and drink and eat. Subsequently, they begin the task of giving Marduk his many names (VI 74–VII 148). The work ends with praise of Marduk (VII 149–64).

II. Epic of Anzu[6]

The account in the Epic of Anzu is constructed to emphasize the helplessness experienced by the gods in the face of the stealing of the tablets of destiny by Anzu. The gods are dependent on an individual god for their salvation. The story is more complex because although Ninurta is the hero, he could not have overcome Anzu without the help of Ea; and, therefore, he along with the other gods (including Enlil) must turn to Ea for help on several occasions.

The text begins with a hymn of praise to Ninurta, but the action begins after creation (I 1–16). The water courses do not bring their water to the land, and the flood bears Anzu (I 17–29). Enlil tries to understand what Anzu represents and

[6] We cite the text of the Epic of Anzu in accordance with the line numbers in Annus, *The Standard Babylonian Epic of Anzu*. We owe the translation to Foster, *Before the Muses*, 561–78. The reader is advised to read Moran, "Notes on Anzu," 24–29 and Hallo and Moran, "The First Tablet of the SB Recension of the Anzu-Myth," 65–115.

consults with Ea (I 42–47). Ea convinces Enlil to take Anzu into his service and to appoint him as his doorkeeper (I 48–56). Enlil does as Ea advises (I 60–64). Anzu seems to be a loyal servant, but his ambition gets the better of him. He is allowed to watch Enlil as he bathes; he notices that Enlil puts down the tablets of destiny during his bath (I 65–76). Anzu exploits the moment and steals the tablets. He then goes back to the mountains, whence he had come (I 77–83).

Anzu now has control over all things. The gods feel themselves to be helpless in the face of Anzu. Just as in *Enūma Eliš*, while action and plot are important, emotion grounds the narrative here. The gods are frightened, and the text presents their fear and uncertainty in powerful and moving terms:

> Awful silence spread, deathly sti[llness] reigned.
> Their father and counselor Enlil was speechless.
> The cella was stripped of its divine splendor.
> The gods of the land converged, one after another, for a pl[an]. (I 84–87)

Anu, the high god, steps forth and asks for a volunteer to go up against Anzu. Three gods are summoned, but all three refuse on the grounds that Anzu cannot be defeated (I 88–154). The gods are despondent at their utterances.[7] Even the Igigi are depressed:[8]

> The gods were despondent at his utterance.
> He turned away, he refused to go.
> The gods were spent and left off making proposals,
> The Igigi-gods, (still) in session, were frowning(?) and in a turmoil. (I 155–58)

Ea then comes up with the idea that the gods should honor and call upon the goddess *Bēlet ilī*. Ea speaks to her and asks/commands her to send her son, Ninurta, into battle against Anzu. Ninurta obeys the command. Whereas the other gods could refuse the assembly, Ninurta, as *Bēlet ilī*'s son, cannot disregard his mother's command (I 155–II 28).

Ninurta goes into the mountains to battle Anzu. Unfortunately, he does not succeed in his first attempt. After losing the first battle and realizing that he cannot conquer Anzu on his own, he sends Sharur to Ea for advice (II 29–II 85). Sharur does what he was commanded to do (II 86–100). Ea understands the situation and provides winning advice (II 101–23). Sharur reports Ea's advice back to Ninurta (II 124–45). Ninurta heeds Ea's advice, kills Anzu, and takes back the tablets of destiny. Ninurta then sends a sign of his victory to the gods (II 146–III 23). When Dagan sees the sign,

---

[7] Cf. I 113, 134, and 155–57; for *šaḫāḫu* in lines 113, 134, and 155, see Hallo and Moran, "The First Tablet of the SB Recension of the Anzu-Myth," 98–99: "The context suggests despondency or the like, ..." (p. 98); for *napšuḫu* in line 157, see Hallo and Moran, "The First Tablet of the SB Recension of the Anzu-Myth," 99: "*napšuḫu* must mean something like 'to fall silent.'"

[8] Cf. I 158; for *qatāru* in this line, see Hallo and Moran, "The First Tablet of the SB Recension of the Anzu-Myth," 99.

Dagan rejoiced when he saw his sign,
He summoned all the gods, saying to them in joy,
"The Mighty One has outroared Anzu in his mountain,
"He has regained control of Anu and Dagan's weapons.
"Go to him, that he come to us,
"Let him rejoice, let him dance, let him celebrate,
"Let him stand with the gods his brethren, that he may hear the secret lore,
"[ ] the secret lore of the gods,
"Let [ ] grant him responsibilities with the gods his brethren." (Anzu III 24–32)

Ninurta hesitates to return the tablets of destiny to Enlil. Eventually, he does, but the text is broken and so ends abruptly.

III. Anxiety among the Gods in Sanskrit Literature

We wish particularly to call the reader's attention to certain elements that we observed in the Mesopotamian narratives we have treated:

1) The gods become aware of a looming crisis or threat which causes them acute fear and trepidation.
2) The gods experience this suffering and anxiety as a group; the narrative generally describes them as sharing a moment of collective unhappiness.
3) The gods' perceived helplessness and the general hopelessness of the situation are the narrative's focal points.
4) The gods then turn to specific gods for advice and help.
5) One or two gods resolve the problem.

Having identified this pattern, we now turn to a selection of Sanskrit texts that utilize a similar uncertainty and anxiety among the gods in the face of a crisis as a characteristic starting point and source of dynamic tension. Divine trepidation is a fundamental narrative motivator in classical Sanskrit literature, and ubiquitous throughout epic and puranic texts.[9] This motif is not, however, a part of the earliest strata of Sanskrit literature; it does not recognizably occur in the Vedic texts. It also cannot be ascribed to an Indo-European inheritance; if it is present elsewhere in Indo-European tales, it is in a form quite unrecognizable in relation to its Indic counterparts. Significantly however, its occurrences do share profound similarities with their Mesopotamian counterparts.[10] Many puranic narratives open with a scene in which the gods assemble in order to express their

[9] In the *Mahābhārata,* the motif of anxiety-driven gods confronting a crisis occurs only within supplemental stories which are narrated by characters within the text, not in sections devoted to the central plotlines, which are devoted to the human heroes.

[10] While we are not necessarily arguing specifically that these manifestations of divine anxiety spring from contact and borrowing, given that contact between the two cultures is well established, and the motif only entered the literature on Indian soil, borrowing cannot be ruled out as a possibility.

anxieties about a looming threat. These scenes of gods expressing consternation, particularly as a unified group approaching a preeminent god, are employed in a wide range of stories, most commonly in myths about the ongoing conflict between gods and demons, but also occasionally in passages in which humans or other gods are the source of the problem. In the puranic tales, the portrayal of divine anxiety and agitation seems to be used to establish the emotional stakes of the narrative; just as in the Mesopotamian examples, the gods in the Indic tales experience a common threat which causes them acute fear and anxiety.[11] In both traditions, gods are presented as experiencing this suffering as a group and gather together in a moment of collective unhappiness. The gods' fear becomes the focal point of the narrative, investing the story with emotional weight that brings meaning to the dramatic action within the plot. The gods then turn to specific gods for advice and help, and those gods resolve the problem, with general celebration then ensuing.

This example, from the story of Viṣṇu's Narasiṃha avatar, and his defeat of the demon Hiraṇyakaśipu,[12] follows the Mesopotamian pattern exactly. First, the crisis is described: the demon begins to harass the gods, which fills them with fear; as usual, gathering together, they approach the god Brahmā:

> Then, out of fear, all the gods led by Indra who were oppressed by the Daitya chief conferred with the wise Grandfather [Brahmā] and went to the ocean of milk where Hari lay. After propitiating Viṣṇu effusively with laudatory speech, thinking of him as a savior, they all told the gracious God of their great unhappiness. (*Śiva Rudra* 2.5.43.21–22, translation from Dimmitt and van Buitenen, *Classical Hindu Mythology*, 77)

Just as in the Mesopotamian examples, we see the same usage of the gods' anxieties and their quest for a savior being set up as the primary driver of the tale. Much as in *Enūma Eliš* III 132–138, the intervention of another god is able to quell the gods' fears and give them ease:

> Satisfied that he had heard the full extent of their suffering, Lakṣmī's husband granted their wish. Arising from his bed, Upendra [Viṣṇu] whose splendor equals Vaiśvānara's, comforted all the gods and seers and spoke at length to them with words befitting his nature, "I will kill the Daitya by force O lords of gods. You may return home satisfied."
>
> When they heard what Lakṣmī's consort had said, the lords of gods, Indra and the others, were all very pleased. They went to their homes, lord of seers, thinking that Hiranyaṇetra's younger brother was already dead. (*Śiva Rudra* 2.5.43.23–25, translation from Dimmitt and van Buitenen, *Classical Hindu Mythology*, 77–78)

---

[11] Just as in *Enūma Eliš*, the text presents a problem that might affect only one god and transforms it into a problem that confronts all the gods; though Indra is the god who has created the problem, it immediately becomes a shared burden facing the entire group.

[12] Hiraṇyakaśipu had undertaken strenuous ascetical practices in order to accrue spiritual power, which he parlayed into a boon that ensured that he could only be killed under an exact set of highly improbable circumstances. Once he had achieved this, he began to make war on the gods, who were powerless to resist such an invincible enemy.

Though some twists remain in the tale, ultimately, of course, the crisis is averted. Just as in *Enūma Eliš*, the tale ends (as do most such stories in Sanskrit mythology) with the description of the relieved and joyful gods and praise for their savior:

> All the Lords of gods, the grandfather and the others, were very happy, O brahmin. Bowing there to Viṣṇu, the Blessed Lord most worthy of Praise who had accomplished his task, they went home. (*Śiva Rudra* 2.5.43.41, translation from Dimmitt and van Buitenen, *Classical Hindu Mythology*, 79)

The same pattern is repeated over and over again. In the rest of this article we will present further examples, confining their presentation to parts of the scenes displaying the gods' perturbation and requests for help.

While many of these scenes merely offer minimal or *pro forma* expressions of the gods' distress, others paint a vivid portrait. We begin here with an Indic narrative in which the gods' despair has been given copious and elaborate treatment, making the comparison to the Mesopotamian texts as clear as possible. This tale, the *Tripuravadha* ("The Destruction of the Triple Cities"), is among those which concern the gods' eternal war with the demons and introduces the gods' agitation as the result of the demons' construction of a flying triple city, an impregnable mobile fortress from which the anti-gods are able to oppress both the human and divine world. The gods are unable to fight off the demons, and the demons begin to gain the upper hand in the cosmos. The gods assemble in a group, approach Brahmā, and plead for his help:

> The triple world was stupefied with fear and grew dark with despair. The frightened Ādityas, Vasus, Sādhyas, Fathers and host of Maruts went for refuge to Brahmā, the great-grandfather. They gathered together before Brahmā who was seated on a golden lotus, and praised that God with five mouths and four faces, saying, "The Dānavas who live in Tripura are oppressing us, O faultless one … From fear of the Dānavas, O Grandfather, we scurry around like geese at the start of the rains, or deer in front of a lion. So deranged are we because of the Dānavas, O sinless one, that we have even forgotten the names of our wives and Sons! (*Matsya Purāṇa* 132.2–7, translation from Dimmitt and van Buitenen, *Classical Hindu Mythology*, 193)

Note the various expressions of the gods' bleak emotional state: "stupefied with fear," "dark with despair," and "deranged." The text uses moving similes ("like geese at the start of the rains, or deer in front of a lion") to convey their panic. Not only are the gods gathered together in a single group bound by terror, they are accompanied by other members of the celestial community. The motif closes with the identification of the means for dealing with the threat: Brahmā directs the gods to approach Śiva, who will ultimately carry out the destruction of the cities.

More typical in their sparse descriptions are two versions of the opening passage of an iconic Sanskrit myth, the *Samudra Manthana*, "The Churning of the Ocean." After establishing an initial condition which sets up the conflict in the

narrative,[13] a retelling of this myth from the *Agni Purāṇa* begins by locating the crisis within this war and recounting the dire straits the gods find themselves in, leading them to seek help from Viṣṇu:

> Long ago, in the battle between the gods and the Asuras, the gods were defeated by the Daityas. Because of Durvāsas' curse they became bereft of good fortune. Praising Viṣṇu who had gone to the ocean of milk, they said, "Protect us from the demons!" (*Agni Purāṇa* 3.1–2, translation from Dimmitt and van Buitenen, *Classical Hindu Mythology*, 74)

The *Viṣṇu Purāṇa* shares the "bereft of good fortune" formulation, but in its version the gods flee to Brahmā for refuge:

> From then on the three worlds, and Śakra too were bereft of good fortune and desolate with withered plants and herbs, … The worlds were utterly dispirited … When the three worlds were steeped in misfortune in this way … defeated by the Daityas [demons], Indra and the rest of the thirty gods, led by Agni [the god of] Fire, fled for refuge to the eminent Grandfather [Brahmā]. (*Viṣṇu Purāṇa* 1.9.26–33, translation from Dimmitt and van Buitenen, *Classical Hindu Mythology*, 95)

As we shall see below, certain standard traits occur again and again in the puranic narratives. Presenting an exhaustive list of places where the motif occurs in Sanskrit literature would be a nearly impossible task, and citing them all would take an enormous amount of space without any commensurate advance in the argument. Below, however, we have compiled an assortment of scenes of fearful Indic gods assembling to seek refuge and comfort in the face of a shared peril. These showcase the standard traits of the Indic motif and make it clear that the salient qualities of these scenes in the Near Eastern texts (as described above) are also present in the Sanskrit texts.

In the *Mahābhārata*'s version of the Indra and Vṛtra myth,[14] for example, we again find all the standard traits: Indra and the other gods assemble out of concern over a universal threat and seek Viṣṇu's advice about the demon who is imperiling them. The situation is so dire that the seers[15] have joined forces with the gods. The group is described as "seeking mercy" and being "panic-stricken":

> The gods and the hosts of seers sought mercy with the merciful God, the mighty Viṣṇu. Panic-stricken by Vṛtra, they all said to Viṣṇu, sovereign of the Gods … "Be thou the

[13] After Indra, the warleader of the gods, accidentally incurs a sage's curse, the demons gain control of the universe to a degree that they are able to actively sap the power of all the gods. The weakened and sickly deities approach Brahmā for advice, and he recommends that they seek the protection of Viṣṇu, who in turn advises them to make a false alliance with the demons to churn the ocean of milk and extract its life giving nectar, but secretly to make plans to keep the nectar for themselves once it has been extracted. In the *Samudra Manthana*, the gods have already experienced one defeat when they assemble to approach Brahmā and Viṣṇu; often this is the case, but the motif is more likely to appear at the very start of the narration.

[14] Significantly, the motif under discussion here is completely absent from the Vedic version of this tale.

[15] The seers are a group of immortal beings who are the mind-born sons of the god Brahmā.

recourse of Indra and the Gods, O highest of the Immortals." (*Mahābhārata* 5.10.5–9; translation from van Buitenen, *The Mahabharata III*, 205)

The motif of the gods' anxiety and pleas for help appears again in the *Śiva Śatarudra*'s account of the same myth:

Once upon a time, O Lord of seers, all the immortals, the Vasus and the rest, were defeated by the Daityas who were assisted by the demon Vṛtra.[16] After they had thrown down all their clashing weapons at Dadhīci's[17] hermitage the gods were violently overthrown. Then all the gods along with Indra and the seers who were being killed, sped to Brahmaloka and began to tell about their troubles.

When Brahmā, grandfather of the worlds had heard what the gods said, he told them what Tvaṣṭar[18] had in mind. (*Śiva Śatarudra* 24.11–13, translation from Dimmitt and van Buitenen, *Classical Hindu Mythology*, 306)

In another myth, in which the gods are faced with a demon named Dāruka, who can only be killed by a woman, they make an initial attempt to counter the menace on their own before defaulting to the regular sequence of asking for help from the more powerful gods:

Brahmā and the other gods disguised themselves as women and went to do battle with him. But he overcame them too, O brahmins, so they all went to Brahmā[19] and told him what had happened. In his company they went to Śiva, Umā's[20] Lord, and led by the grandfather [Brahmā] they bowed before the Lord of the Gods [Śiva] in manifold ways. Then Brahmā spoke up, O Lord, Dāruka is a cruel demon! Protect us by killing this Daitya[21] Dāruka, who is to be slain by a woman! (*Liṅga Purāṇa* 106.4–7, translation from Dimmitt and van Buitenen, *Classical Hindu Mythology*, 200)

The salvation of the gods usually comes in the form of some combination of Brahmā, Śiva, or Viṣṇu, but sometimes the protector the gods band together to seek turns out to be one of the goddesses. The primary myth of the goddess Durgā, for example, begins with the gods seeking help from Śiva to protect them from a particularly powerful demon named Mahiṣa who has assembled a huge demon army:

---

[16] A Vedic serpent or demon killed by Indra. His story evolves dramatically over time until it has assumed a form nothing like its precursors.

[17] Dadhīci is one of the Seers; he is famous for the selfless act of allowing his bones to be harvested from his living body to be fashioned into undefeatable weapons, which is the subject of this story.

[18] In the Vedas, Tvaṣṭṛ is a smith who works for the gods, but in the later texts he has become something more akin to a disgruntled former employee who plots against them.

[19] The text gives no explanation as to why Brahmā must be formally approached a second time when he is presumably still with the group after leading the initial sally, but it preserves the usual chain of authority in which Brahmā is approached first and he then instructs the other gods to take the matter up the chain to either Śiva or Viṣṇu.

[20] Umā is Śiva's wife.

[21] Another word for demon.

Once long ago there was a battle between the gods and demons that lasted 100 years.... In this contest the army of the Gods was defeated by the more powerful demons.... So the Gods, utterly defeated, put the lotus-born Prajāpati[22] before them and went to Īśa [i.e., Śiva] and Viṣṇu, the god whose banner bears Garuḍa. In the dwelling place of these two deities, the thirty gods related at length the exploits of Mahiṣa and their own defeat. (*Mārkaṇḍeya Devīmāhātmya* 79.1–6,[23] translation from Dimmitt and van Buitenen, *Classical Hindu Mythology*, 233–234)

Śiva and Viṣṇu reassure the terrified gods and instruct them to combine all their powers into one female entity, a *śakti*, who will have the ability to defeat Mahiṣa.

Similar scenarios play out across later Sanskrit literature, including in one story in which the threat has arisen from one of the goddesses. When an insult has been done to her newly-created child, Gaṇeśa, the goddess Pārvatī transforms into one of her angry incarnations. Her wrath and power begin to destroy the whole universe, deeply upsetting the rest of the deities:

Witnessing this devastation, Hara [Śiva], Brahmā, Hari [Viṣṇu], Indra and all the rest of the Gods, gaṇas and Seers said to themselves, "What is this goddess doing, this untimely annihilation of the world?" Thus they were uncertain and lost hope for their own lives. Gathering together they conferred with each other saying "We must consider what to do!" Thus deliberating, they talked rapidly among themselves. "Only when the mountain goddess is satisfied will peace return to the world and not otherwise, not even with a myriad efforts!"... When they beheld her dazzling splendor flashing in all directions, all the gods were terrified and retreated to some distance away.... All the gods conferred with the great-souled Nārada, saying in unison, "How can our suffering be ended?" (*Śiva Rudra* 2.4.17.17–28, translation from Dimmitt and van Buitenen, *Classical Hindu Mythology*, 183–184)

In other instances, the problem arises from a human or humans who have become a threat. A mortal ascetic named Kaṇḍu uses fasting, meditation, and endurance to accrue spiritual powers. These grew so great that they enabled Kaṇḍu to affect the world around him until he became a danger even to the Gods:

The gods, Gandharvas, Siddhas and Vidyādharas became very greatly amazed at the spectacle of the prowess of the hermit's tapas. With the force of his *tapas* Kaṇḍu heated up the three worlds of earth, atmosphere and Heaven. "Aho, what fortitude! Aho, what extreme *tapas*!" exclaimed the gods.

They diligently took counsel with Śakra [Indra], upset from fear of Kaṇḍu. (*Brahmā Purāṇa* 178.12–15, translation from Dimmitt and van Buitenen, *Classical Hindu Mythology*, 259)

Indra is able to formulate a plan to disable Kaṇḍu's powers and relieve the gods' consternation.

[22] Here, this refers to Brahmā.

[23] = *Mārkaṇḍeya Purāṇa* 82.1–6.

In our last example, from the opening of another myth, a short-sighted king requests a boon which results in one of his wives giving birth to a sort of gourd which bears him sixty-thousand arrogant and dangerous sons:

> They were ferocious, cruel of deeds, and crawled all over space; and because of their number they despised all creatures, and even the Immortals. The warlike champions pestered the Gods, *Gandharvas*,[24] *rākṣasas*,[25] and all other creatures.
>
> While the worlds were being slaughtered by the slow-witted Sāgaras, the creatures and all deities sought refuge with Brahmā. (*Mahābhārata* 3.105.2–5, translation from van Buitenen, *The Mahabharata II*, 425.

In this instance Brahmā is able to reassure the gods that the Sagaras will bring about their own destruction through their misdeeds, and the myth moves on to further issues in the family line of the king who caused the trouble.[26]

IV. Conclusions

In both traditions, these scenes offer a chance to watch the gods display human vulnerability: they feel fear and emotional distress and seek help in much the same way that humans seek help from divinities. As we have shown, the motif plays out in the same way in both traditions. The narratives begin with the gods experiencing stress in the face of a potential catastrophe, and this causes them to unite as a community. Their collective desperation becomes the focal point of the first part of the narrative, until they approach specific gods for help, and the more powerful gods resolve the problem.

There are a few small differences, such as that the Mesopotamian texts present the groups of gods as spending time together in their moments of crisis and simply being in one another's company, whereas the gods' togetherness in the Sanskrit texts has more of the character of an embassy assembled for a specific purpose. Another is that the Mesopotamian texts' primary manifestation of the emotional drama is often to describe the gods as being silent, and in those and other circumstances, intensity of emotion is conveyed through descriptions of the gods' behavior (frowning, sitting in silence, being frantic, taking no rest), while in the Sanskrit texts their emotional state is merely asserted by simple declarations of the gods' reactions or feelings (e. g., that they are distressed, deranged, uncertain, troubled, etc.), and sometimes emphasized through similes.

---

[24] Celestial musicians.

[25] A type of demon.

[26] The use here of the deputation of the gods in the face of a threat in what is essentially a preamble to a much longer story is suggestive of just how integral a part of the literature the motif of the terrified gods is.

The showcasing of divine anxiety constitutes an intriguing, shared feature in Indic and Mesopotamian literature. This pattern does not seem to have come into the Indian subcontinent as an Indo-European inheritance, since there are no identifiable reflexes or parallels to it in its closest relative, Greek.[27] Greek mythology takes pains to minimize any hint that Zeus' leadership or the supremacy of the Olympian gods could be challenged.[28] In contrast, the deployment of the motif of divine anxiety in India is strikingly similar to the way it is used in Mesopotamia. Especially, in view of the fact that there exist so many similarities – in both convention and narrative – between Greek and Sanskrit mythologies, the occurrence of divine anxiety in the Indic texts and the absence of it in the Greek marks one of the few really strong differences between the two Indo-European traditions.

This leaves us with the question of whether the trope is genetically connected in the Indic and Mesopotamian traditions. As our prior collaborations demonstrate,[29] connections between Mesopotamian and Indic storytelling were unquestionably present, and Sanskrit literature preserves a number of tales which originated in the ancient Near East. Our earlier work suggests a healthy exchange of tales between Mesopotamia and the Harappan civilizations, some of which (e. g. the Flood Myth) must have arrived at an early date. However, in the case of the motif of the anxious gods seeking help from other gods, the similarities between the Indic and the Mesopotamian stories are not so thoroughgoing that

[27] Or in any other Indo-European literary traditions known to the authors, for that matter.

[28] One cannot prove a negative, and defending this proposition with an exhaustive set of examples would be quite impossible in an article of this limited size. No scenes in Greek literature depict the gods as experiencing collective anxiety based on an external threat. Threats certainly exist, but when they are narrated (such as in the myth of Zeus versus Typhoeus or in the Titanomachy), the tales present the victory of the god as a foregone conclusion: the opponent may be formidable, but he is doomed from the start for daring to challenge the unstoppable ascendancy of the young god. Once the Titans have been overthrown and the earthborn giants defeated, Zeus and his family apparently reign in complete security; desperation and heroism are the province of mortals. Similarly, in tales such as those involving Otos and Ephialtes and Sunda and Upasunda (tales clearly genetically related and coming from a shared Indo-European ancestor, in which monstrous and undefeatable twin brothers seek to unseat the gods by piling mountains on top of one another to create an unconquerable seat of power), the suzerainty of the gods is threatened, and the situation calls for decisive action. But there is no depiction of panic or desperation; rather, the focus of the story lies in the clever solution to the problem, namely, that the brothers must be induced to fight one another. While it is well understood that many Greek stories have Near Eastern roots, Greek myths prefer to avoid expressions of fear and helplessness among the gods, whether as a group or singly. Perhaps the only depiction of a god's anxiety or despair is Rhea's appeal to her parents in Hesiod, *Theog.* 468–79. After Zeus' birth, while the deities certainly face some challenges, the narrative is never structured to emphasize the gods' fears or insecurities. This contrasts greatly with the Sanskrit material, which frequently positions scenes of the gods' anxiety and desperation at the onset of stories.

[29] Abusch and West, "The Tale of the Wild Man and the Courtesan in India and Mesopotamia," 69–109; Abusch and West, "Bījāni, Retas and Zēr Napšāti," 504–33; West with Abusch, "Sowing the Seeds of Uncertainty," 325–51.

we think that the trope must be regarded as a borrowing. We do not feel that the present argument requires us to take a position as to whether the presence of the theme under study in Hindu mythology stems from vestiges of early contacts between Mesopotamia and the Indian subcontinent. What we do wish to demonstrate, however, is the way in which, in two such very disparate cultures, the fears and anxieties of gods are positioned as a central or initial point of concern in the narratives and repeatedly become the launching pads for the plot trajectories for so many myths.

Bibliography

Abusch, I. Tzvi. "Kingship in Ancient Mesopotamia: The Case of Enūma Eliš." Pages 59–64 in *The Body of the King: The Staging of the Body of the Institutional Leader from Antiquity to Middle Ages in East and West. Proceedings of the Meeting Held in Padova, July 6th–9th, 2011*. History of the Ancient Near East/Monographs 16. Edited by G. B. Lanfranchi and R. Rollinger. Padova: S. A. R. G. O. N. Editrice e Libreria, 2016.

Abusch, Tzvi, and Emily Blanchard West. "The Tale of the Wild Man and the Courtesan in India and Mesopotamia: The Seductions of Ṛśyaśṛnga in the *Mahābhārata* and Enkidu in the Epic of Gilgamesh." Pages 69–109 in *The Ancient World in an Age of Globalization*. Leipzig: Max Planck Research Library for the History and Development of Knowledge, 2014.

–. "Sowing the Seeds of Uncertainty: The Transmutation of the Mesopotamian Flood Myth in India, Iran, and the Classical World." *The Journal of Indo-European Studies* 48 (2020): 325–51.

Annus, Amar. *The Standard Babylonian Epic of Anzu: Introduction, Cuneiform Text, Transliteration, Score, Glossary, Indices and Sign List*. State Archives of Assyria Cuneiform Texts 3. Helsinki: The Neo-Assyrian Text Corpus Project, 2001.

Buitenen, J. A. B. van, trans. *The Mahābhārata, Volume 2: Book 2: The Book of Assembly; Book 3: The Book of the Forest*. Chicago: University of Chicago Press, 1975.

–. *The Mahābhārata, Volume 3: Book 4: The Book of Virāṭa; Book 5: The Book of the Effort*. Chicago: University of Chicago Press, 1978.

Dalley, Stephanie. *Myths from Mesopotamia: Creation, the Flood, Gilgamesh, and Others*. Oxford: Oxford University Press, 1989.

Dimmitt, Cornelia, and J. A. B. van Buitenen. *Classical Hindu Mythology: A Reader in the Sanskrit Puranas*. Philadelphia: Temple University Press, 1978.

Foster, Benjamin R. *Before the Muses: An Anthology of Akkadian Literature,* third edition. Bethesda, MD: CDL Press, 2005.

Hallo, William W., and William L. Moran. "The First Tablet of the SB Recension of the Anzu-Myth." *Journal of Cuneiform Studies* 31 (1979): 65–115.

Jacobsen, Thorkild. *The Treasures of Darkness: A History of Mesopotamian Religion*. New Haven and London: Yale University Press, 1976.

Lambert, Wilfred G. "Ninurta Mythology in the Babylonian Epic of Creation." *Keilschriftliche Literaturen*. Edited by Karl Hecker and Walter Sommerfeld. BBVO 6. Berlin: Dietrich Reimer Verlag, 1986.

–. *Babylonian Creation Myths*. Mesopotamian Civilizations. Winona Lake, IN: Eisenbrauns, 2013.

Machinist, Peter. "Order and Disorder: Some Mesopotamian Reflections." *Genesis and Regeneration: Essays on Conceptions of Origins*. Edited by Shaul Shaked. Jerusalem: The Israel Academy of Sciences and Humanities, 2005.

Moran, William L. "Notes on Anzu." *Archiv für Orientforschung* 35 (1988): 24–29.

Reynolds, Frances. *A Babylon Calendar Treatise: Scholars and Invaders in the Late First Millennium BC: Edited with Introduction, Commentary, and Cuneiform Texts*. Oxford and New York: Oxford University Press, 2020.

West, Emily Blanchard, with Tzvi Abusch. "Bījāni, Retas and Zēr Napšāti: The 'Seeds of Creatures' in the Indic Flood Myth." *The Journal of Indo-European Studies* 48 (2020): 504–33.

Wisnom, Selena. *Weapons of Words: Intertextual Competition in Babylonian Poetry. A Study of Anzû, Enūma Eliš and Erra and Išum*. Culture and History of the Ancient Near East. Leiden: Brill, 2019.

List of Contributors

Tzvi Abusch is the Rose B. and Joseph Cohen Professor Emeritus of Assyriology and Ancient Near Eastern Religion at Brandeis University.

Joel S. Baden is Professor of Hebrew Bible at Yale University.

Marc Zvi Brettler is the Bernice and Morton Lerner Professor of Jewish Studies at Duke University.

Jason M. H. Gaines is Professor of Practice in Jewish Studies at Tulane University.

Alan Lenzi is Professor of History at University of the Pacific, Stockton, CA.

Tamar Kamionkowski is Professor of Biblical Studies at Reconstructionist Rabbinical College.

Jeffery M. Leonard is Professor of Biblical Studies at Samford University.

Madadh Richey is Assistant Professor of Hebrew Bible at Brandeis University.

Tina M. Sherman is an editor for TheTorah.com and a lecturer in Hebrew Bible at the University of Minnesota.

Jeffrey Stackert is Professor of Hebrew Bible at the University of Chicago.

Ada Taggar Cohen is Professor of Bible and Ancient Near Eastern Studies at Doshisha University, Kyoto, Japan.

Bruce Wells is Associate Professor of Middle Eastern Studies at the University of Texas at Austin.

Emily Blanchard West is Professor Emerita of History and Classics at St. Catherine University in St. Paul Minnesota and General Editor of *The Journal of Indo-European Studies.*

Index of Sources

Genesis
1 167n20
1:1–2:4 87
1:26 167, 169
1:26–27 8, 166–168
1:27 167–168
1:28 72
3:16–19 72
5:1 168n23
5:1–3 8, 166, 166n25
5:3 166n13, 168–169
5:28–29 168n24
6:19 168n22
7:9 168n22
7:16 168n22
8:21 105
9:12–17 168n26
16:1–2 72
16:3 72
16:4–14 72
16:15–16 72
17 61–62, 65, 65n19
17:1–9 65
17:10 65
17:10–11a 65
17:11 65, 169n26
17:12 63
17:12–13 65
17:13 65
21:3–4 65
21:8–12 72
27–28 63
34 65
34:14–17 63n11
48:10 68

Exodus
2:10 67
2:12 129n8
2:15 67
2:16–21 63n11
2:23 68n33
3–4 4, 61–73
3:11 66
4 71
4:1–9 69
4:10 4, 61, 66, 68, 68n30
4:11–12 4, 69
4:13–16 69
4:20 62
4:22 62
4:24 62
4:24–26 4, 61, 64–65
4:25–26 63
6 71
6:2–8 71
6:2–12 61–73
6:3 66
6:9 4, 71
6:12 3–4, 61, 71–72
6:14–27 71n39
6:30 3, 61, 71n39
7:7 68, 68n33
7:10 169n26
11 113
12:13 169n26
12:44 63
13:3 86n29
13:12–13 42
13:14 86n29
15 70
17:12 68
18:2–4 68
18:24 87n37
18:26 87n37
19:5 81
19:9 79–81
19:16 81
19:19 81
20 3, 77–88, 116
20–23 128
20:2 48, 86

20:2–4 83, 86
20:3 86
20:4 86
20:5–12 17
20:7 116
20:10 142n63
20:11 3, 87–88, 88n41, 88n42
20:18 80–81
20:18–20 78
20:19 79–81
20:20 79, 82
20:21–23:33 3, 44, 78
20:22 82n14
20:22–23 3, 84
20:23–23:19 109
21 5
21–23 79
21:2 127, 127n4, 139n53
21:2–11 51n40, 135n36, 139n53,141n61
21:5 127
21:6 127
21:7 127
21:8 139n53
21:17 7, 148
21:18–19 102n49
21:20 6, 127–142
21:20–21 5–6, 127–142
21:21 6, 127–142
21:22 102n49
21:26 127
21:26–27 135n36, 140, 141n61
21:27 127
21:32 127, 135n36, 140, 141n61
21:37 133
22:1 133
22:20–26 49n36
23 42n7
23:9 49n36
23:12 44, 49
23:12–19 42
23:13 86n30
23:14–19 44
23:15 48, 48n31
23:16 43
23:19 86n33
23:20–33 20
23:24 43n10, 51n41
23:25 86n33
23:29–30 55n54
23:32–33 51n41
24:3–8 78
24:4 79, 83
24:7 79
24:7–8 79
24:12 3, 82
24:12–15 78
24:18 83
31:17 88, 88n41, 169n26
32 3, 42, 43n14, 44n15
32–34 44
32:1–6 83
32:4 84
32:5 43, 44, 84
32:6 43
32:8 43
32:9–14 87n37
32:12 94
33–34 44n15
34 41–57
34:10 48n32
34:10–27 2, 41–57
34:11 2, 47–49
34:11–16 42–43, 44n15, 50
34:11–17 42n8
34:11–26 42n8, 50
34:12 51
34:12–16 44
34:13 2, 48
34:15 2, 43
34:15–16 44n15, 51–52, 52n44
34:16 43n11, 50n39
34:17 42, 50
34:18 44n18, 48, 48n31
34:18–24 49
34:18–26 42
34:19 43
34:19–20 42, 50
34:21 43, 44, 44n18, 49–50
34:22 43, 44n18
34:23–24 49
34:24 2, 42n8, 49
34:25 43n13
34:25–26 50

Leviticus
1–16 91
3:1 168n22
3:6 168n22
7:37 112
10 103
10:3 100n43
10:10 92
10:14 190n55
12 168n22
12:3 63
15 168n22
17–26 91–105, 91n1
17:7 52
18:20 95
18:21 101n45
18:24 55n54
18:25 55n54, 95
18:28 55n54
19:8 99
19:29 98
20:2–5 101n45
20:3 95, 100n42, 101
20:5–6 52
20:9 7, 148
20:23 55n54
21:2–4 95
21:4 98
21:6 99
21:7 98
21:9 98
21:12 98
21:14 98
21:16–24 167n20
21:23 99
22:2 99–100, 100n42
22:9 99
22:32 100, 100n42
23 41n4, 43, 44, 56
23:3 41n4
23:14 41n4
23:15–16 43
23:17 41n4
23:21 41n4
23:31 41n4
24 102–103, 103n59
24:11 102–103
24:16 102–103
25:37 116
25:39–55 139n53
26 149–150
26:22 7, 149, 151, 155
26:41 71

Numbers
12:8 73, 86n31
14:15–16 94
15:39 52
18 190
20:13 100n43
21:33–35 87n37
28–29 43–44

Deuteronomy
1–3 15
1:1–4:40 36
1:9–18 87n37
1:31 169
3:1–3 87n37
4 32n51
4:1–22 36n55
4:1–40 28n36, 31, 33n52, 36n55
4:3 53
4:6 34
4:7 34
4:8 34
4:8–10 114
4:9–14 34n53
4:11 34
4:11–15 34
4:12 86n31
4:13 3, 85
4:15 34
4:15–16 86n31
4:15–20 34n53
4:16 31, 86n31
4:19 36n55
4:20 34
4:23 33, 86n31
4:23–24 34
4:23–25 31–32
4:23–31 2, 22, 28n39, 31–32, 32n49, 32–36, 34n53, 36n55
4:25 31, 32, 33, 86n31
4:25–26 34

4:25–28 31–32, 32n49
4:25–31 28, 31n48
4:26 33, 35
4:26–28 32
4:27 33, 35
4:27–28 34
4:28 35–36
4:29 33
4:29–30 34
4:29–31 32, 32n49
4:30 31, 33, 36
4:31 31, 33, 34, 35
4:32 34
4:32–33 34n53
4:32–40 34, 36n55
4:33 34
4:34 34, 34n53
4:35–36 34n53
4:37–38 34n53
4:41 25n29
4:45–11:28 1, 17–19
5 77–88, 116
5–11 17–19
5:2 85
5:4 80, 85
5:6 48, 86n29
5:8 86n31
5:11 116
5:13–14 44
5:13–15 49n36
5:14 87, 142n63
5:15 87
5:23–27 78
5:24–25 80
5:25 85
5:29 18, 18n13, 78
5:30 18
5:31 78
5:33 18
6 18
6:1 18
6:2–3 18
6:9 86n32
6:10–14 18
6:12 86n29
6:14 53n45
6:18 18
6:24 18
7 43n11, 52n44
7:1–5 43
7:3 43, 43n11
7:3–4 51n41
7:4 18
7:5 43, 43n10
7:8 86n29
7:12–15 18
7:16 51n41
7:22 55n54
8:1 18
8:5 169
8:14 86n29
8:19 53n45
8:19–20 18, 28n40
9:6–8 18
9:10 3, 85
9:26–29 87n37
9:28 94
10:16 71
11 1, 36
11:8–9 18
11:13–15 18
11:16–17 18
11:20 86n32
11:21–25 18
11:26–28 18
11:28 53n45
11:29–32 17
11:29–27:26 17
12–26 1, 3, 14–36, 78, 85
12:3 43n10
12:12 86n32
12:17–18 86n32
12:21 86n32
12:28 16
13 14, 20, 21n21
13:5 53
13:6 86n29
13:11 86n29
13:13 53n45
13:18 16
14:1 169
14:21 86n32
14:22 16
14:27–29 86n32
14:29 16
15:9 16

15:10 16
15:15 16, 87n39
15:22 86n32
16 43n13
16:3 16
16:9 43
16:11 86n32
16:12 16, 87n39
16:14 86n32
16:15 16
16:16 49n35
16:19 16
16:20 16
16:22 16
17:1 16
17:7 17
17:8 86n32
17:12 17
17:20 16
18:12 16
18:18 28
19:10 17
19:13 16, 17
19:19–20 17
20:18 16
21:8–9 17
21:13 16
21:18–21 7, 148
21:21 17
21:23 17
22:5 16
22:6–7 16
22:7 16
22:8 17
22:20 17
22:21–22 17
22:21–23 17
23:7–9 17
23:12 17
23:14–15 16
23:15 17
23:16–17 142n63
23:19 16
23:21 17
24:1–4 28
24:4 16
24:6 16
24:7 17
24:13 16
24:14 86n32
24:15 16
24:18 16, 87n39
24:19 16
24:22 16, 87n39
25:1–3 102n49
25:3 16
25:11–12 102n49
25:15 16
25:16 16
26:12 86n32
26:16–19 114
26:19 94
27 1, 36
27:1–26 17
27:14–26 17
28 14, 19–21, 19n14, 21n21, 35, 149
28–31 21–31
28:1 35
28:1–2 19, 22, 35
28:1–14 19, 20
28:1–46 1, 17, 19–21, 22n22
28:2 35
28:3–6 19
28:4 35
28:7–13 19
28:11 35
28:14 53n45
28:15 19, 35
28:15–46 19
28:16–19 19
28:18 35
28:20–22 21n21
28:20–44 1, 20, 21n21, 21n21
28:20–46 19
28:21 35
28:23–24 21n21
28:25a-c 21n21
28:26 21n21, 149
28:27–35 21n21
28:32 19, 22n22
28:36 21n21, 22n22
28:36–37 1–2, 19n15, 21–23, 21n21, 22n22, 28, 31n48, 36
28:38–40 21n21

28:41 21n21, 22n22
28:42 21n21
28:43 19
28:43–44 21n21
28:45 35
28:45–46 19, 22
28:47–57 1–2, 19, 21–23, 36
28:48 23n23
28:49 22, 35
28:50 22
28:51 22, 35
28:52–57 22
28:53 35
28:57 86n32
28:58 24
28:58–68 1–2, 19, 21–23, 35–36
28:61 24, 35
28:62 35–36
28:63 22, 35
28:63–68 28, 31n48
28:64 22, 35–36
28:65 22
28:69 23, 79
29 23–24, 35
29–30 23
29:1–8 23
29:9 23
29:14 23
29:15–19a 23, 35
29:19 24
29:19b–20 23
29:19b–26 1–2, 23–24, 35–36
29:19b–27 24
29:20 24
29:21–27 23n25, 23n26, 28, 31n48
29:26 23–24
29:27 1–2, 23–24, 35–36
29:28 23, 24n27, 35
30 32n51
30–33 70
30:1 33, 35
30:1–2 35
30:1–10 2, 22, 28, 28n39, 31, 31n48, 32–36, 32n49
30:2 33, 35
30:3 33, 35
30:4 33, 35
30:5 33, 35
30:6 33, 71n42
30:8 33
30:9 33, 35
30:10 24, 33, 35
30:11–20 34
30:14 34
30:15–20 28, 31n48
31 24, 26n31, 30
31:1–8 27n33
31:9 24, 29–30, 30n45
31:10–13 29
31:9–13 26, 29–30, 30n44
31:12 86n32
31:13 29
31:14–15 26, 26n33
31:14–23 26n33
31:16 52, 52n44
31:16–22 1–2, 26–29, 26n33, 27n34, 28n39, 30–31, 30n44, 30n46, 31n48, 36
31:16–17 27
31:17 28
31:18 27, 28
31:19 26
31:19–21 27
31:21 28
31:22 26, 30
31:23 26, 26n33, 29
31:24 24, 29–30, 30n45
31:24–29 1–2, 26, 27n34, 29–31, 31n48, 36
31:24–27 30n44
31:24–30 29
31:25–26 29
31:26 24, 29
31:27 29
31:28 31
31:28–30 27, 30n44
31:29 29, 31
31:30 26, 30n45
32 27–31
32:1 31
32:1–3 24
32:1–25 28n39
32:1–43 1, 24–26, 27n34, 28n36, 36
32:4–6 24
32:5 31

32:7–14 24
32:15–18 24
32:15–21 25
32:16 31
32:16–17 25
32:19 31
32:19–25 24–25
32:20 31
32:21 25, 31
32:26 24
32:27 31
32:26–30 25
32:26–31 24
32:26–43 28n39
32:28–33 25
32:29 31
32:30 25
32:32–43 24
32:34–43 25
34 36

Joshua
5:2 64, 65n18
5:7 64n13
16:10 128n5
18:1 26
19:51 26
24:17 86n29

Judges
2:12 53
2:17 52n42
3:24 63n8
8:27 52n42
8:33 52n42
6:8 86n29
14:3 66

I Samuel
2:22 26
17:26 66
17:34–37 7, 152
17:36 66
18:26–28 66

II Samuel
3:14 66
17:8 149, 155

I Kings
8:4 26
8:46–51 32
9:6–9 28, 31n48
9:21 128n5
11:5 53
11:7 101n45
14:8 53n46
17 157n40
17–19 157n38
17–2 Kings 10 157n38
17–2 Kings 13 156
17:7–24 157n38
18:1 25n29
18:21 53n46
21 157n38
22:24 129n8

II Kings
1 157n38
1:8 156
2:1–18 157, 157n38
2:19–22 157
2:19–25 157n40
2:19–2 Kings 13 157n38
2:23 145–157
2:23–25 7, 145–157
2:24 145–157
2:25 145–157
4:1–37 157n38
6:24–33 23
11 190
12:10 102
14:6 114
17:4 21
17:5 23
17:15 53
17:25 150
18 25
18:2 102n52
18:9–10 23
18–19 19
21:8–15 28, 31n48
23:3 53n46
23:10 101n45
25:6–7 22

Isaiah
6:2 63n8
6:6–7 67
6:10 71
10:5–15 32
10:20–25 32
11:10–16 32
14:1 41n2
14:24–25 32
23:17 54n48
28:10 70
32:4b 69
33:8 149
33:19 67
36:6 102n52
56 54n51
56:2 54n51
56:4 54n51
56:6 54n51
57:9 101n45
58:13–14 54n51
59:11 149, 155
62:2 102
63:12 94
66:23–24 54n51

Jeremiah
1:6 67
1:9 28
2–4 28
2:2 53n46
2:7 28
2:8 28
2:11–13 28
2:23 53
2:25 28
2:28 28
3:1 28
3:6–10 51
4:4 71n42
6:10 71
7:6 53
9:13 53
9:25 71n42
11:16–17 43n8
13:11 94
24 41n1
24:4–7 32
24:8–10 32
28:14 23n23
29:11–14 32
29:16–19 32
29:30–31 32
32:20 94
32:33 101n45
34:13 86n29
50:5 41n2

Ezekiel
2:8–3:3 67
3:5 68n30
6:9 52n42
16 51
16:26 54n48
16:28 54n48
16:34 52n42
20:16 53
20:30 52n42
20:39–40 100n42
23 51
23:3 54n48
23:19 54n48
23:30 52n42
36 93–94
36:19–21 4, 93–94
36:20–22 100n42
39:7 100n42
42:13 100n42
43:7–8 100n42
44:7 71
44:9 71

Hosea
1–3 51
1:2 52n42
2:7 53
2:15 53
3:1 86n30
4:2 88
5:8–15 22
7:10–16 22
8:13–17 22
10:5–10 22
10:13–15 22
11:5–7 22
13:1–15 22

13:8 7, 149, 153, 155
14:1 22

Amos
2:4 53
2:7 100n42, 104
2:13–16 23
3:11–15 23
3:14 146n6
4:2–3 23
4:4 146n6
4:6–13 23
5:1–3 23
5:5–6 146n6
5:16–20 23
5:19 152
5:27 23
6:1 102
6:7–11 23
6:14 23
7:9 23
7:16–17 23
8:1–3 23
8:11–14 23
9:1–8a 23

Micah
6:4 86n29

Habakkuk
3:14 102n52

Haggai
1:6 102n52

Zechariah
2:15 41n2

Malachi
2:10–11 41n3

Psalms
112–113
1:2 113n30, 114
10:7 115
15 116
15:5 115–116
17:15 86n31
19 119
19:8 113n30, 113n31
24:4 115
25:2 118n52
26 110n7
26:1 118
27:11 118n52
27:12 115
33:5 118
34:15 118
37:31 113n30
40:9 113n30
41:5 110n7
50 116
50:18–19 116
55:4 110n7
62:10 115
62:11 115
73:27 52
78 117
78:1 113n30
78:5 113n30
78:10 113n30
81 116
81:9 115
81:9–11 116
81:10 115
86:11 118
89:31 113n30
90 70
94:6 115
94:12 113n30, 113n31
105 117
105:24 113n31
105:45 113n30
106:6 118
107:38 149
111:10 118
119 110–113, 119
119:33 118n52
119:102 118n52
119:113–120 112
134:1 129n9
135:1–2 129n9
147:15 114
147:19–20 114

Proverbs
17:12 149, 155
22:1 94
28:15 7, 149, 152, 155

Job
4:16 86n31
40:24 102n52
40:24–26 103
40:26 102n52

Lamentations
3:10 7, 153

Daniel
7 152
7:4 152
7:5 152
9:15 94

Ezra
6:21 41n2
9–10 41n3
9:1 56

Nehemiah
8 113
9:10 94
9:14 54n51
10:29 41n2
10:31 54n51
10:33 54n51
12:44 129n9
13:15–22 54n51
13:23–31 41n3

I Chronicles
5:25 52
6:17–18 129n9

II Chronicles
28:25 86n30

Deuterocanonical Literature

I Maccabees
1:15 62, 66n22
1:60–61 66n22

Ben Sira
1:1–10 119
16:24–17:14 119
24:23–24 119

New Testament

Mark
7:32–35 69n35

Dead Sea Scrolls

4QJosh[a] 65n18
4Q213a 98n32

Rabbinic Literature

Mishnah

Menahot
110a 112, 113n27

Avot
4:9 113

Babylonian Talmud

Sanhedrin
43b 23n27
56a 102n53

Yoma
86a 93

Tosefta

Bava Kamma
10 93

Midrashim and Minor Tractates

Sifra Kedoshim, Parasha
10:8 101n46

Other Rabbinic Literature

Exodus Rabbah
1:31 67

Quran

Q Ta Ha
20:26–29 69n34

Ancient Greek Sources

Hesiod

Theog. 468–79 229n28

Philo

Mos. 2:162 84n22

Ancient Near Eastern Sources

AbB
6 80 140n55

BM 118805/ RIMA 2 A.0.101.17
163

BWL
259 140n58

CAD
N/2 131n18
Š/3 132n20

Cambyses
334 135n32

CTH 291–292
17 176
24 176
31–33 176
158 177
189–198 177
246 190
261.I 185–186, 185n36
264 184–185
381 181

383 180
383.1 (TX 2015-08-28, Trde 2017-12-09) 180n25
384 189n51
414.1 (INTR 2017-01-12) 180n23, 189
427 188n48
456.1 (INTR 2015-12-21) 182, 182n29
647 183
738 187, 187n47

Emar 6
83 133n22
205 133n22
217 133n22

IboT 1.30
2–5 180

K 105 + Sm 688 165, 169

KAI
222 149n16

Karatepe A/3 151n20

Kbo
6.4i 176n6
21.90 187–188

KUB
2.3 183
15.34 189
19.25 181
19.26 181
20.88 183
29.1 180, 189
38.1 178n18, 185

Laws of Hammurab/pi
114 132n19
115 132n20, 136, 136n41
115–116 132, 136
116 132, 136, 136n41, 139
117 134, 138
208 136
280 150n56
282 151n62

Maqlû
I.96 164
VII.55–99 164
VII 63–66 164

RA
36,3 153–154, 153n30

RS 24.245 (KTU[1-3] 1.101) 152n25

Sefire IA:31 149n16

TCL
17 74 139n51

UET
5 9 139n51

Indic Literature

Agni Purāṇa
2.1–2 225

Brahmā Purāṇa
178.12–15 227

Linga Purāna
106.4–7 226

Mahābhārata
3.105.2–5 228
5.10.5–9 226

Mārkaṇḍeya Devīmāhātmya
79.1–6 227

Mārkaṇḍeya Purāṇa
82.1–6 227n23

Matsya Purāṇa
132.2–7 224

Samudra Manthana
224, 225n13

Śiva Rudra
2.4.17.17–28 227
2.5.43.21–22 223
2.5.43.23–25 223
2.5.43.41 224

Śiva Śatarudra
2.4.11–13 226

Tripuravadha (The Destruction of the Triple Cities)
224

Viṣṇu Purāṇa
1.9.26–33 225

Index of Authors

Abusch, (I.) Tzvi 164n9, 165, 165n10, 218n3, 229n29
Ackerman, Susan 190n55
Adler, Yonatan 109n3
Albertz, Rainer 44n16, 81n12
Ambos, Claus 199n8, 204n32
Amorim, Nilton Dutra 94–96, 94n13, 96n19, 96n21
Anderson, Benedict 45, 45n19, 45n20, 45n21, 46n22
Annus, Amar 220n6
Arnaud, Daniel 133n22

Bachmann, Martin 178n16
Baden, Joel S. 27n33, 78n4, 80n9, 117n44
Bahrani, Zainab 163n8, 165n11
Baker, Coleman A. 56n55
Barmash, Pamela 109n4, 110n10, 128n4, 132n21
Barton, John 117, 117n45, 122, 122n88, 122n89, 122n90, 122n91, 122n92, 122n93, 122n94, 122n95, 122n96, 122n97, 122n98, 123n99
Bax, Marcel 209n50
Beard, Brady A. 146n4, 151n20, 152n26
Becking, Bob 56n57
Beckman, Gary 179n20, 180n25, 189, 189n49, 189n50, 189n51, 189n53
Beer, Georg 87n40
Ben Zvi, Ehud 42n5, 117n50
Bergen, Wesley J. 147n11
Berlejung, Angelika 118, 118n55, 118n56, 118n57, 119, 119n58, 119n59, 119n60
Berman, Joshua A. 20n18, 20n19
Bernat, David A. 62n1, 71n41, 73n46
Berquist, Jon L. 47, 47n26
Bertola, Ermenegildo 96, 96n20, 104
Bibb, Bryan D. 97–98, 97n29
Bieder, Robert E. 146n4
Bilgin, Tayfun 181n27
Bird, Phyllis A. 166n15, 166n16, 167n19
Blank, Sheldon H. 94, 94n11, 94n12
Bledsoe, Seth A. 109n3
Blenkinsopp, Joseph 65n19, 77n2, 84n28
Block, Daniel I. 116n43
Blum, Erhard 27n33, 79n6, 82n17, 86n34
Böck, Barbara 165n12
Bodner, Keith 146n5
Boling, Robert G. 64n13
Boston, James R. 24n28
Brenner, Athalya 41n4
Brett, Marc G. 41n3, 47, 47n27, 47n28
Brettler, Marc Z. 32n51, 33n52, 66n20, 110n5, 115n37, 117n46, 117n51
Brightman, Edgar Sheffield 81n12
Brown, Penelope 207–208, 207n44, 208n47, 208n48, 211, 211n56
Brown, William P. 110, 110n9, 111n14
Bryce, Trevor R. 176
Budin, Stephanie Lynn 175–176, 177n10
Buitenen, J.A.B. van 223–228
Bunnens, Guy 151n19, 151n21, 152n22
Burnett, Joel S. 147n10, 156n37, 157n39
Burt, Sean 111n18, 112n24

Calvignac, Sébastien 146n4
Cammarosano, Michele 179n18, 184n33
Caplice, R.I. 165n10
Cardellini, Innocenzo 135n36, 137n43
Carpenter, Joseph Estlin 27n33, 82n15, 82n18
Carr, David M. 42n8, 44n15
Case, Megan L. 138n48
Chavel, Simeon 82n14, 84n26, 84n28, 86n35, 212n61
Childs, Brevard S. 43n9, 44n15, 44n16, 48n32, 77n2
Chirichigno, Gregory C. 127n4, 135n35, 138n45
Cifarelli, Megan 177n10

Clements, Ronald E. 77n2
Cogan, Mordechai 148n13
Cohen, Yoram 184n33
Collins, Billie Jean 175, 175n3, 188n48
Craigie, Peter C. 20n18
Cranz, Isabel 154n31
Crenshaw, James L. 120, 120n70
Cross, Frank Moore 22n22, 27n35
Culbertson, Laura 131n14
Cunningham, Graham 153n30

Dalley, Stephanie 217n1
Dandama(y)ev, Muhammad 131n14, 135n32, 135n33, 141n62
DeGrado, Jessie 154n32
De Cillia, Rudolf 46n23, 47n25, 55n53
De Martino, Stefano 181n27
De Moor, Johannes C. 167n19
De Wette, W. M. L. 14
Deignan, Alice 52n43
Del Olmo Lete, Gregorio 152n24
Dell, Katherine J. 120, 120n72, 120n74, 120n75
Diebner, Bernd J. 146n5
Dietrich, Manfred 152n24
Dillon, Sheila 175n2
Dimmitt, Cornelia 223–227
Dohmen, Christoph 84n28
Dossin, Georges 139n51
Driver, Samuel R. A. 26n31, 26n33, 27n33, 77n2, 84n25
Dupont-Sommer, André 149n16
Durham, John 81n14

Edelman, Diana V. 42n5, 48n30
Eerdmans, Bernardus D. 43n8
Eichinger, Wolfgang 146n4, 151n20
Ellens, Deborah L. 138n48

Fabry, Heinz-Josef 110n12
Feldman, Marian H. 162n3
Fischer, Georg 127n4
Fitzmyer, Joseph A. 149n16
Földi, Zsombor 198n6
Forti, Tova 120n78
Foster, Benjamin R. 220n6
Frankena, Rintje 140n55
Frechette, Christopher 202n27, 204–205, 205n35, 205n36
Freedman, David Noel 111–113, 111n19, 111n20, 112n21, 112n22, 112n25
Frevel, Christian 55n52, 56n56
Fried, Lisbeth S. 113n29
Friedman, Richard Elliot 22n22, 27–28, 27n35, 28n40, 30n44, 30n45, 31n48
Friedmann, Jonathan L. 70, 70n37
Frisch, Alexandria 152n27
Frymer-Kensky, Tikva 133n24
Fuscagni, F. 182n29, 182n30

Gaines, Jason M. H. 62n2, 65n19, 71n39, 72n44
Ganzel, Tova 92n6, 93n10, 94–95, 94n10, 95n17, 95n18, 99, 99n38
García López, Félix 110n12, 111, 111n15, 111n16, 111n17
Garcia-Ventura, Agnès 177n10
Gardner, A. E. 152n27
Garr, W. Randall 167n19
Gaspa, Salvatore 161n2
Gehman, H. S. 147n9
Gerstenberger, Erhard S. 102n54, 120, 120n73
Gesundheit, Shimon 42n7, 42n8, 43, 43n12, 43n13, 44n15, 44n17, 44n18, 142n63
Gilan, Amir 180n24
Gillepsie, Susan D. 180n22
Gilmour, Rachelle 147n11, 148n12, 156n37, 157n40
Ginsburg, H. Louis 43n9, 43n10
Goldingay, John 113n31, 114n34, 115
Görke, Susan 180n23
Gottwald, Norman K. 77n2
Grant, Jamie A. 116, 116n41
Graupner, Axel 80n10
Gray, John 84n25, 114n35, 147n9
Graybill, Rhiannon 156n35, 156n36
Greenberg, Moshe 79n7, 134n31
Greengus, Samuel 128n4, 129n7, 136n40, 140, 140n60
Greenstein, Edward L. 25n29
Groddek, Detlev 183n32
Guibernau, Montserrat 46n22
Guichard, Michaël 153n30

Guitar, Barry 70n38

Hackett, Jo Ann 97, 97n27, 97n28
Halbe, Jörn 54n47
Hall, Edward 206, 206n41
Hallo, William W. 220n6, 221n7, 221n8
Halpern, Baruch 168n21
Hänni, Catherine 146n4
Haran, Menahem 84n25, 84n26
Harford-Battersby, George 27n33, 82n15, 82n18
Hartley, John E. 92n3
Haugh, Michael 207n43, 207n44, 208n45, 211n56, 211n57, 211n58
Hawkins, J. David 151n19, 151n21, 152, 152n22
Heller, Roy L. 148n14, 156n37
Hibbard, J. Todd 28n38
Hill, Anne 205n39
Hillers, Delbert R. 19n14
Hirvonen, Joonas 153n29
Hodge, Gerald P. 170n30
Hoffner, Harry A. Jr. 176n4, 176n5, 176n6
Hoftijzer, Jean 149n16
Holladay, William L. 28n38
Holloway, Steven W. 161n3, 163n8
Hossfeld, Frank-Lothar 84n28, 113n31, 114n34
Houtman, Cornelius 83n19, 135n37
Howe, Laurence J. 166n13
Huehnergard, John 97, 97n27, 97n28
Hughes, Sandrine 146n4
Hundley, Michael 72n44
Hurowitz, Victor Avigdor 118n57
Hutton, Rodney R. 103, 103n56

Irwin, Brian P. 146n5, 150n18

Jackson, Bernard S. 117n49, 121, 121n83, 121n84, 121n85, 121n86, 127n4, 135n36, 137n44, 138n45
Jacobs, Sandra 132n21
Jacobsen, Thorkild 218n3
Jacobson, Diane 120n73, 120n76
James, Sharon L. 175n2
Janssen, Jac J. 62n3
Janssen, Rosalind M. 62n3
Japhet, Sara 113n29
Jarrard, Eric X. 152n27
Jenks, Alan W. 17n12
Jiménez, Enrique 198n6, 198n7
Johnson, Jennifer A. 191–192, 191n57
Johnstone, William 41n4
Jongeling, Karel 149n16
Jonker, Louis C. 42n5
Joosten, Jan 92n4, 96, 98, 99n36
Joyce, Rosmary A. 180n22

Kádár, Dániel Z. 205n36, 207n43, 207n44, 208n45, 209n50, 211n56, 211n57, 211n58
Kaiser, Walter 94n13
Kalimi, Isaac 62, 62n5, 62n6
Kaminsky, Joel S. 114n36
Kamionkowski, Tamar 92n7, 99n39, 103n59
Kamlah, Jens 154n32
Keesling, Catherine M. 171n31
Kellerman, Galina 189n53
Kelly, Adrian 11n10
King, Philip J. 63n12
Kissling, Paul J. 156n37
Klawans, Jonathan 95n16, 101n46
Kline, Meredeith G. 20n18
Knapp, Dietrich 32n51
Knohl, Israel 95–96, 95n16
Köckert, Matthias 88n43
Koehler, Lugwig 167n17, 167n20
Kratz, Reinhard 80n8
Kraus, Fritz Rudolf 139n51, 165n12
Kraus, Hans-Joachim 111n15, 113n31
Krebernik, Manfred 153n30
Kuenen, Abraham 79n6
Kugel, James 63n9, 67n25, 67n27, 67n28
Kulp, Joshua 113n28
Kwon, JiSeong J. 109n3
Kynes, Will 120n77, 120n79

Lambert, Wilfred G. 217n1
Legaspi, Michael C. 120n77, 121n80
Leith, Mary Joan Winn 56n57
Lenzi, Alan 120n79, 205n36, 205n38, 207n42, 212n62, 214n67
Leonard, Jeffrey M. 117, 117n47

Leuchter, Mark 27–29, 28n36, 28n37, 29n42
Levenson, Jon D. 23n24, 24n27, 26n31, 27n34, 30n44, 31, 31n47, 32n50, 32n51, 33n52, 36n55, 111n13, 112, 112n24
Levin, Christoph 77n2
Levine, Baruch 97, 97n26, 100n40
Levinson, Bernard M. 14, 14n5, 14n6, 20n19, 43n8, 43n11, 43n13, 51n40
Levinson, Stephen C. 207–208, 207n44, 208n47, 208n48, 211, 211n56
Lewis, Sarah 166n13
Lewis, Theodore J. 103, 103n57, 103n58
Liebhart, Karin 46n23, 47n25, 55n53
Lipschits, Oded 42n5
Livesey, Nina E. 62n4
Livingston, Dennis 102n53
Lohfink, Norbert 23n24, 32n51, 33n52
Loretz, Oswald 152n24
Lundbom, Jack R. 22n22

Macdonald, John 67n24
Machinist, Peter 218n2
Magdalene, F. Rachel 110n11, 115–116, 115n38, 115n39, 130n11
Markl, Dominik 128n4
Masterson, Mark 177, 177n11, 177n12
Mathias, Steffan 180n22
Maul, Stefan 204n30
Maxwell, Alexander 45n19
Mayer, Walter 20n16
Mayer, Werner 198n3, 206n40
Mays, James Luther 110n8
Mazor, Lea 64n17
McKenzie, Steven L. 157n38
McMahon, Gregory 185n36, 186n41
McNeile, A. H. 84n24
Melville, Sarah C. 175n2
Mendelsohn, Isaac 141n62
Mendenhall, George E. 20n18, 77, 77n1
Mertens-Wagschal, Avigail 153n29, 153n30
Metcalf, Christopher 11n10
Meyers, Carol 50n39, 77n2
Milgrom, Jacob 55n54, 94–96, 94n11, 95n15, 96n23, 98, 98n31, 98n33, 98n34, 98n35, 101, 101n47, 101n48, 104, 104n60
Miller, Jared L. 184n34, 185n36
Miller, Patrick D. 115–116, 117n44
Millet Albà, Adelina 177n10
Montgomery, James A. 147n9
Moran, William L. 14n7, 220n6, 221n7, 221n8
Morgenstern, Julian 42n7, 50n37, 50n38
Mouton, Alice 180n24
Mowinckel, Sigmund 77n2, 121n87
Müller, Reinhard 154n32

Nahkola, Aulikki 153n28
Najman, Hindy 14n6
Nasuti, Harry P. 57n58
Nelson, Richard D. 26n31, 28n39, 30n45, 64n15, 64n17, 65n18, 114n36
Neumann, Hans 130n12, 130n13, 141n62, 154n32
Nicholson, Ernest W. 17n12, 43n14
Niditch, Susan 156n34, 156n37
Nigosian, Solomon A. 25n30
Nihan, Christophe 41n2, 41n3, 55n51, 65n19
Noth, Martin 27n33, 27n35, 77n2, 99n37

O'Connell Davidson, Julia 131n14
Oelsner, Joachim 131n16, 133n22
Olyan, Saul M. 62n1
Ornan, Tallay 161n1
Orthmann, Winfried 151n20
Oshima, Takayoshi M. 119, 119n62, 119n63, 119n64, 119n65, 119n67, 119n68, 120n69
Ottervanger, Baruch 202n26
Otto, Eckart 14n5, 14n6, 15n10, 65n19, 127n4
Otto, Susanne 157n38

Pakkala, Juha 14n9
Pardee, Dennis 152n24
Parker, Bradley J. 169n28
Parker, Julie Faith 148n12, 155n33, 156n37
Pastoureau, Michel 146n4, 152, 152n25, 156n34
Patrick, Dale 109n4
Peled, Ilan 177n10
Perdue, Leo G. 120, 120n71

Perlitt, Lothar 43n14, 84n28
Perry, Samuel L. 127–129, 127n2, 127n3, 127n4, 128n5
Pfeiffer, Robert H. 43n8, 84n28
Piccin, Michela 212n59
Pietsch, Michael 154n31
Polk, Nicholas O. 14n7, 21n21
Pongratz-Leisten, Beate 169n28
Pringle, Jaqueline Marie 177, 177n9
Propp, William H. C. 49n33, 50n37, 50n38, 66, 66n21, 72n43, 83n21, 87n36, 130n9, 136n41, 139n53
Puhvel, Jaan 176n7, 177n8

Rabinowitz, Nancy Sorkin 177, 177n11, 177n12
Radner, Karen 131n17, 169n28
Rainey, Anson F. 25n29
Rapaport, Izaak 94n13
Reid, John Nicholas 138n46, 138n49
Rieken, E. 180n25,189n51
Reiner, Erica 119n65, 119n66
Reisigl, Martin 46n23, 47n25, 55n53
Reiterer, Friedrich V. 94n13
Reynolds, Frances 217n1
Reynolds, Kent Aaron 111n17
Richey, Madadh 153n29, 154n31, 154n32, 157n38
Richmond, Stephen 166n13
Richter, Gisela M.A. 171n31
Rimbach, James A. 149n16
Robertson, David A. 25n30
Robson, James 177, 177n11, 177n12
Rofé, Alexander 23, 23n24, 23n25, 23n27
Rom-Shiloni, Dalit 41n1, 46n24, 54, 54n49, 54n50, 55n51, 81n14
Römer, Thomas 15n10, 27n35
Roth, Martha T. 136n41
Rothenbusch, Rolf 135n36

Sallaberger, Walther 208n48
Salo, Reettakaisa Sofia 154n32
Sanders, Paul 25n30, 28, 28n39, 29n41
Sanmartín, Joaquín 152n24
Sarna, Nahum M. 49n34, 83n20
Sasson, Jack M. 62n3, 64–65, 64n14
Sauerwein, Ruth 146, 146n7, 148n13
Saur, Markus 121, 121n82
Schäfer, Rolf 154n32
Schaper, Joachim 41n2, 56n57
Schellenberg, Annette 166n15, 167n17, 168n23
Schipper, Jeremy 163n8, 168n20, 169n27
Schloen, David 180n22
Schmid, Konrad 42, 42n6, 55n51, 109n3
Schmidl, Martina 208n48
Schmitt, Hans-Christoph 146, 146n6
Schmitt, Rüdiger 146–147, 147n8, 154n31
Schüle, Andreas 171n31
Schwartz, Baruch 91n1, 95–96, 95n16, 96n24, 97n25, 100n41, 101n44, 101n45, 109n1
Schwienhorst-Schönberger, Ludger 129-130n9, 135n36, 141n61
Seeher, Jürgen 178n16
Shaver, Judson Rayford 117n50
Shectman, Sarah 190, 190n54
Shell, Marc 68n32, 70n36
Sherman, Tina M. 43n8
Singer, Itamar 181n26
Sirri, Özenir 178n16
Smend, Rudolf 72n44
Smith, Anthony D. 45n19
Smith, Mark S. 167n18
Smith, Morton 119n61
Sneed, Mark R. 120n77
Soggin, J. Alberto 84n28
Sokoloff, Michael 149n16
Solvang, Elena K.A. 177n10
Sommer, Benjamin D. 82n16, 114n32, 167n17, 167n20
Sparks, Kent 116n41
Speiser, Ephraim A. 168n24
Stackert, Jeffrey 14–15, 14n5, 14n6, 14n8, 20, 20n17, 20n19, 20n20, 29, 29n43, 79n5, 88n41, 162n4, 166n15, 168n20, 169n26, 169n27
Stade, Bernhard 147n9
Stager, Lawrence E. 63n12
Starcky, Jean 149n16
Steinsaltz, Adin 113n27
Stergiakouli, Evie 166n13
Sternberg, Adina 93n9
Steymans, Hans Ulrich 14n7, 21n21
Stipp, Hermann-Josef 157n38
Stol, Marten 140n59, 175n2, 179n21

Stone, Ken 146n5
Strassmaier, J. N. 135n32
Strawn, Brent 151n20, 152n23
Strubel, Armand 145n1
Süel, Aygül 177n8
Suter, Claudia E. 178n17
Svärd, Saana 177n10
Sweeney, Marvin 147n9

Tadmor, Ḥayim 148n13
Taggar-Cohen, Ada 176n4, 177n14, 180n24, 181n25, 181n26, 182n28, 182n30, 183n31, 183n32, 184n33, 184n34, 184n35, 185n37, 185n38, 186n42, 187n43, 187n45, 187n46, 189n52, 189n53, 190n56
Taracha, Piotr 183n31
Thiessen, Matthew 24n28, 25n30, 30n46
Thureau-Dangin, François 153n30
Thomason, Alison 161n2
Tigay, Jeffrey H. 68, 68n29, 68n30, 68n31, 71, 71n40, 168n25
Tov, Emanuel 64, 64n16, 64n17, 112n26
Toynbee, Jocelyn M. C. 171n31
Turfa, Jean MacIntosh 175–176

Uehlinger, Christoph 166n14
Ulrich, Eugene 65n18

Van Seters, John 82n14, 87n40, 127n4
Van den Hout, Theo P. J. 177n13, 187n44
Van der Toorn, Karel 116, 116n42, 118, 118n53, 118n54, 119
Van der Woude, Adam S. 94n13, 94n14
Van Loon, Maurits N. 178n15, 179n19
Vanstiphout, H. 119
Von Rad, Gerhard 27n33, 30n46

Wasserman, Nathan 153n30
Watson, James 205n39
Weeden, Mark 177n8
Weinfeld, Moshe 14n7, 17n12, 21n21, 26n32, 27n34, 32n51, 34n54, 77n2, 83n20, 84n27
Weingreen, Jacob 102–103, 103n55
Wellhausen, Julius 14
Wells, Bruce 109n4, 110n11, 115–116, 115n38, 115n39, 128n5, 131n15, 131n16, 133n22
Wenham, Gordon J. 92n3
West, Emily Blanchard 229n29
West, Shearer 171, 171n33
Westbrook, Raymond 109n4, 131n15, 131n18, 133n23, 133n25, 133n26, 134n27, 134n28, 135n34, 136n41, 138n47, 138n49, 140, 140n54, 140n57, 141n62
Westermann, Claus 168n24
White, Marsha C. 157n38
Winter, Irene J. 161–172, 161n3, 163n5, 163n6, 163n7, 163n8, 170n29, 171n32, 171n34
Wiseman, Donald J. 14n7
Wisnom, Selena 218n2
Witte, Markus 154n32
Wittstruck, Thorne 149n16
Wodak, Ruth 46n23, 47n25, 55n53
Wolff, Hans Walter 32n49
Wright, Charlotte Ann 202n25, 210n55
Wright, David P. V-VI, 1, 6, 13–14, 14n1, 14n2, 14n3, 14n4, 14, 41, 77, 91n2, 96, 96n22, 109n2, 121, 127n1, 128–129, 128n6, 130n9, 135–138, 136n38, 136n39, 136n40, 137n42, 141n61, 145, 148n15, 161, 175, 197, 210n55, 217
Wright, G. Ernest 24n28
Wunsch, Cornelia 130n11, 131n16, 133n22, 135n33
Würthwein, Ernst 147n9
Wyatt, Nicolas 62n3

Zaccagnini, Carlo 134n29
Zenger, Erich 113n31, 114n34
Zevit, Ziony 115n39, 166n40
Zgoll, Annette 197–198, 198n3, 198n4, 199n9, 200n10, 201n22, 202–204, 202n25, 202n27, 202n28, 203n29, 204n30, 204n31, 204n33, 204n34, 205n37, 208n46, 209, 209n51, 209n52, 209n53, 210n54, 212n60, 212n63, 213, 213n64, 213n65, 213n66
Zhurov, Alexei 166n13
Zimmerli, Walther 68n30
Ziolkowski, Eric J. 145n3, 146n5
Zomer, Elyze 153n30

Index of Subjects

Aaron 68–69, 72–73, 73n46, 84, 86, 100
Abarbanel 80n10
Abram 62, 65
Abraham 61, 65–66, 73
Acrostic 112
Adam 168
Adultery 51, 95
Agrarian Society (*See also:* Farming; Harvesting) 49–50, 50n37
Ahaz 13n4
Ahaziah 156
Altar (*See also:* Pillars; Sacred Posts) 43, 48, 99
Ancient Near Eastern Deities/Deity Groupings
– Anšar 219
– Anu 199, 201, 218–222, 219n5
– Anunnaki 201, 219
– Apsu 201–202, 218
– Arinna 180–181, 181n25, 189n51
– Ba'lu 150
– Dagan 221–222
– Damkina 218
– Ea 201, 218–221, 219n5
– Enlil 201, 220–222
– Ḫebat 179
– Igigi 201, 219, 221
– Ištar 150, 197–214
– Kaka 219
– Kataḫḫa 183
– Kišar 219
– Laḫmu 219
– Laḫamu 219
– Marduk 218–220
– Nerik 180, 180n25
– Ninurta 218, 220–222
– Sharur 221
– Tarḫunza 151
– Telipinu 181, 183, 189, 189n50
– Teššub 150, 179
– Tiamat 218–220
– Zippalanda 180, 180-181n25
Ancient Near Eastern Excavation Sites
– Alaça Huyük 178n15
– Alishar 179
– Eflatun Pinar 178n15, 178n16
– Fraktin 178n15
– Ḫattuša 182
– Hüseindede 178n15
– Inandik 178n15
– Išḫašḫuriya 179n18
– Kültepe 179
– Tell Ahmar 151
– Tell Ḥalaf 151n20
– Tepe 178n15
– Yazilikaya 178–179, 178n15, 178n16
Ancient Near Eastern Civilizations
– Amorites 48–49
– Anatolia 140n59, 179n19
– Assyria 19, 22n22, 23, 23n23, 25, 32, 52
– Canaan(ites) 15, 42–44, 43n10, 43n11, 48–49, 54–55, 55n54, 62, 65, 78, 128n5
– Elamites 140
– Harappan Civilizations 229
– Hittites 20, 20n19, 48–49, 175–192, 179n20, 181n26, 181n27
– Hivites 48–49
– Hurrian 153n30, 189n51
– Jebusites 48–49
– Kizzuwatna 181
– Midianites 63n11
– Nimrud 163n5
– Perizzites 48–49
– Philistines 66
– Tiliura 179n18
– Ugarit 154n32
Ancient Near Eastern Law
– Assyrian 13n4
– Hammurabi 13, 121, 130–142, 132n21
– Hittite 134n30, 176–177, 176n6
– Mesopotamian 51n40, 118–122

– Middle Assyrian 139n50
Ancient Near Eastern Texts
– Anzu, Epic of 217–230
– Assyrian Royal Annals 20
– Creation Narratives 103, 220
– *Ludlul* II 4–5 212
– *Maqlû* 164–165, 164n9
– Tomb Releif of Ankhmahor (Egyptian) 62n3
– Enūma Eliš 217–230
– Esarhaddon Succession Treaty (EST) 14, 14n7, 20–21, 21n21
– Flood Mythology 152n24, 220
– Išḫiul-loyalty oath of Telipinu 181
– *Ištar 1* 197–214
– *Ištar 2* 212–214
– Late Babylonian Letters 208n48
– *Namburbi* 165n10
– Neo-Assyrian Petition Letters 212n59
– Old Babylonian Letters 139n51, 140, 208n48
– Old Babylonian Incantation *RA 36,3* 153
– *Poor Man of Nippur, The* 202n26, 211n57
– Prayer of Ḫattušili III 180
– *Šuila* Prayers 197–214
– Shurpu 119
– Soldier's Oath 188n48
– Vassal Treaties of Esarhaddon (VTE) (*See also:* Esarhaddon Succession Treaty) 14n7
– Wisdom Tradition 118
Angels 63, 68
Anger (*See also:* Wrath)
– Divine 16, 18, 24, 28, 61, 63, 71, 201, 212–213, 227
– Human 190
Aniconic Veneration
Animals 43–44, 49–50, 55n54, 96, 146, 146n5, 148–156, 151n20, 152n27, 153n29, 167, 168, 168n22, 168n25, 176n4
– Calf 189n50
– Cattle 149
– Lamb 189n50
– Sheep 189n50
– Wolf 154, 188
Annihilation 52, 149, 227
Antiochus 66n22
Anxiety, Divine (*See also:* Fear, Divine) 217–230, 218n2, 222n9, 222n10, 229n28
Apis Bull 84n22
Apocrypha 68
Apostasy 24, 44, 51–53, 83–86, 94
Arameans 23
Archimedean Point 14
Ark of the Covenant 26, 29
Arnuwanda 181
Art History 171–172, 202, 202n26, 202n27, 203n29
Ashurbanipal 199
Assurnasirpal II 163, 163n5, 169–170
Athaliah 190
Atonement (*See also:* Festivals: Day of Atonement; Yom Kippur) 93
Attack (*See also:* Violence) 19, 25, 102, 149, 153–154, 226n19
Audience Model 197–213
Authority (*See also:* Hierarchy; Subordinate)
– As Audience / Social Superior (*See also:* Audience Model) 202–214, 202n28, 211n57, 212n61
– Institutional 84, 131–134, 138, 138n45, 180, 181, 226n19
– Textual 55–57, 109n4, 110, 118
Avihu 103

Baal-Peor 53
Babylonia 25, 41, 140
Babylonian Conquest (*See* Conquest)
Babylonian Talmud 1129
Baldness 145n1, 146–148, 147n9, 156–157
Basalt 151
Battle 68, 219–221, 225–227
Bears 145–157, 145n1, 149n16, 151n20, 152n24, 152n27, 155n33, 156n4
– *Ursus arctos syriacus* (Syrian Brown Bear) 146n4
Ben-Hadad 23
Bereavement (*See also:* Mourning) 149–150, 155–157, 155n33
Bethel 84, 145–146, 146n6, 155
Bīt Rimki 199, 204

Bīt Salā'Mê 199, 199n8, 204
Blame 118
Blemish 62, 99, 167-168n20
Blessing 15–21, 35–36, 62, 65, 72, 180
Blind (*See also:* Disability Studies; Sight) 16, 69, 188
Blood 63–64, 63n9, 69, 79, 101
Bloodguilt (*See also:* Guilt; Offerings, Guilt) 17
Blotting Out 103
Bone Harvesting 226n17
Borrowing (Literary) 13, 218n2, 222n10, 230
Bow (and Arrow) 151n20, 154, 178, 179n18, 188
Bowing Down 51n41, 83, 183, 204, 207, 209, 224, 226
Bribes (*See also:* Pledge) 16, 115
Bride 190
Bridegroom of Blood 61, 63, 73, 73n45
Bronze Age, Late 154n32
Bull 84n22, 150, 151
Burning Bush 70

Cannibalism 22
Canon 80, 110n6, 111, 156–157
Captives (*See also:* Prisoners) 19, 135, 138, 220
Catholicism (*See also:* Christianity; Protestantism) 96
Celestial Musicians 228n24
Chiastic Structure 21n21, 34, 34n54, 69
Children (*See also:* Offspring; Progeny) 19, 32, 63, 66n22, 101, 101n45, 134–135, 145–147, 147n11, 148n14, 153, 155, 162, 176, 179, 188–190
Christianity (*See also:* Protestantism; Catholicism) 62n4, 96, 148, 210
Circumcision (*See also:* Foreskin; Genitals; Moses, Body of; Puberty Rite) 4, 61–76, 62n1, 62n3, 63n10, 63n11, 64n13, 66n20, 66n22, 71n41
Citizenship 129, 135, 140
Cleaning (Cleansing) 48, 52n43, 97, 101, 187
Collective Punishment (*See also:* Punishment) 45, 185
Commandments 18, 65, 71, 78, 82, 82n18, 96, 98, 100, 104, 109n4, 113
Compilation (*See also:* Pentateuch) 42–45, 42n8, 51–52, 57, 87n38, 111, 115, 117, 117n48
Conception 218
Conquest 15, 18, 46–47, 54
Covenant 23–24, 23n24, 28, 30n46, 34, 41–44, 44n15, 47, 50–51, 55–57, 61–62, 65–66, 73, 77–85, 83n20, 96–97, 117, 149–150
Covenant Code / Collection, The 13–14, 13n4, 17, 20, 42–44, 43n10, 43n13, 48–50, 50n37, 51n40, 55n54, 78–88, 79n6, 82n14, 83n19, 83n20, 86n33, 109, 118, 121, 127–142, 139n53
Creation 72, 87–88, 105, 112–114, 119, 166n15, 168, 168n20
Crime 102n53, 110, 119, 134, 134n28
Cult Centralization 49
Cuneiform 14n7, 132n21, 176, 198
Curse(s) 1, 7, 13–40, 19n14, 21n21, 102–103, 102n53, 146–155, 149n16, 225, 225n13

Dan (Land and Tribe) 84, 102
Dancing 184, 188, 218
David (Character of) 66, 152
Deaf (*See also:* Disability Studies) 69, 69n35, 188
Death (*See also:* Moses, Death of) 22n22, 30, 63, 72, 93, 103, 129, 130n9, 132, 132n20, 136–137, 138n48, 141, 146
Debt (*See* Slavery, Debt-Slavery)
Debt-Cancellation 138
Decalogue, The 3, 17, 42, 48, 77–90, 77n2, 77n3, 79n6, 81n13, 81n14, 82n17, 82n18, 83n19, 83n20, 84n27, 86n34, 86n35, 87n40, 88n42, 88n43, 114–116, 116n43, 116-117n44
Defilement (*See also:* Desecraton; Impurity) 94–95, 98, 101, 101n46, 104
Demon(s) 153n29, 223–228, 225n13, 226n16, 226n21, 228n25
Deportation 22n22, 28, 31n48, 32n50
Desecration (of the Name) (*See also: Hillul Hashem)* 91–105, 92n5, 101n44, 101n45

Destruction 20, 22–23, 43, 43n10, 83, 83n20, 93, 149, 155, 219, 224, 228
Deuteronomistic History and Literature (DtrH; Dtr^1; Dtr^2) 22n22, 26–28, 27n35, 30n44, 52n42, 53
Diaspora 46
Dinah 63n11, 65
Directness 211
Disability Studies (*See also:* Moses: Body of) 61–73
Disease 19
Disobedience 15–18, 45, 54n48
Disrespect 148, 156
Diviners 175
Divorce 176
Doorkeeper 221
Drinking 190, 220

Ears (*See also:* Hearing) 68, 71, 141n62, 178
Eating 48n31, 51, 63, 67, 190, 220
Economy 49, 50n37, 115, 127, 139, 177
Education
Egypt(ians) 16, 22n23, 34, 48–49, 48n31, 48n32, 61–68, 62n3, 67n23, 67n26, 77–78, 84, 84n22, 87, 94,102–103, 122, 163n7, 166n15, 178
Eliezer 63n9
Elijah 145–157
Elisha 145–157
Elijah-Elisha Narrative 145–157
Emotions 70, 155, 179n20, 191, 208, 211, 217–230
Enemy 19, 22, 23n23, 25, 103, 110, 110n7, 153n29, 223n12
English Standard Version (ESV) (*See also:* Translation) 127–128, 128n5, 141
Enslavement (*See* Slavery)
Entertainers 184n33
Epispasm (*See also:* Circumcision; Foreskin; Moses: Body of) 62
Epithets 205, 205n38, 207
Esau 72
Ethics 102, 118, 121–123, 147
Etymology 67
Euphrates 151
Exile, The Theme of 15–18, 21–22, 21n21, 22n22, 24–28, 31–36, 32n50, 41n1, 52
Exile, The Babylonian 15, 21–22, 22n22, 28n40, 31–36, 41n1, 46, 54, 62, 66n20, 93–94
Exilic Period, Composition, and Literature 14, 15n10, 22, 22n22, 24, 27, 27n35, 28, 28n36, 28n39, 28n40, 30n44, 31–33, 31n48, 32n50, 36, 36n55, 51–52, 52n42, 62
Exodus, The 34n53, 47–48, 48n30, 49n36, 51n40, 68n33, 86–87, 86n34, 87n40, 88n42, 109
Exorcism 204, 209, 211
Eyes (*See also:* Sight) 16, 31, 68, 213
Ezekiel the Tragedian 67n28

Facial Features (*See also:* Physical Characteristics; Physiognomy) 163–172, 163n5, 206
Face (of the Deity) 212–213, 212n61
Failure 15, 17–19, 21–36
False Accusations 115, 129n9
Family Resemblance (*See also:* Likeness) 161–172
Famine (*See also:* Slavery, Famine) 6, 18–19, 134
Farming (*See also:* Agrarian; Harvesting) 50, 72
Favor 18, 180, 189n51, 197, 201–202, 201n22, 205, 209, 212–213 (*See also:* Anxiety)
– Divine 217–230, 229n28
– Of Animals 152, 154, 188
– Of God 18, 29, 71, 78–79, 82, 118, 139
Female (*See also:* Gender Studies; Sex, Biological; Women) 87, 166–168, 168n22, 218, 27
– Garb 226n19
– Deity 179n18, 179n20, 181
– Slaves 129, 145–157
– Status 175–179, 176n6, 182–192
– Voices 110n5
Fertility
– Human 184
– Land 19
Festivals 49n33, 55n51, 56, 84, 120n75, 177–178, 182–187, 182n30, 187n47, 190
– Calendar 42–44, 43n13, 50
– Day of Atonement 41n4

– Harvest 43
– Pilgrimage 2, 49
– Unleavened Bread 41n4, 43n13, 44n18, 48, 48n31
– Weeks 41n4, 43, 44n18

Finger of God, The 82, 85
Fire 34, 34n53, 80, 85, 176n4, 225
Firstborn 42–43, 50, 62, 64, 201
Fish 72, 166, 168
Flood, The 105, 168n26
Foreign Land, Persons, and Gods (*See also:* Stranger; Idolatry; Worship of "Other" Deities) 44n16, 46, 54n48, 64, 67, 84, 115, 133, 135, 139n53, 140, 152
Foreskin (*See also:* Circumcision; Genitals; Moses, Body of, Puberty Rite) 61–76

Gabriel 68
Garment 16, 179, 184, 188
Gatekeeper 203–204
Gegenfrage 209
Gender Studies (*See also:* Masculinity; Queer Theory) 155–156, 156n35, 175–192
Genealogy 71n39, 168–169
Genitals (*See also:* Circumcision; Foreskin; Moses, Body of) 63, 73
Genre 120–121, 120n79, 123, 162, 171, 205
Gentile 62, 93
Geography 146, 146n6, 151n20, 154, 156
Gershom 62
Gerizim-Ebal 17, 36
Ghost 205, 205n38
Glory (כבוד) (*See also:* Presence, Divine) 94, 101–104
Goddess 178–192, 179n18, 180n25, 184n33, 187n44, 187n47, 189n51, 197–214, 206n40, 221, 226–227
Gods of Wood and Stone 32, 35–36
Gold 68, 178, 179n18, 224
Golden Calf Episode, The 3, 42–44, 44n15, 78, 83–85, 84n22, 87n37, 94
Governors 185–186, 185n36, 191
Greek Literary Characters
– Ephialtes 229n28
– Otos 229n28
– Rhea 229n28
– Titanomachy 229n28
– Typhoeus 229n28
– Zeus 229, 229n28
Greeting Gestures (*See also:* Bowing Down; Hand-Raising, Kneeling) 203–205
Greeting Gift 203, 213
Groaning 149
Gudea of Lagash 170
Guilty Verdict 134

Hair 135n34, 139n50, 155–156, 161, 178
Ḫamiyata 151
Hand-Raising 204–207
Hapax 200n10
Hapsburg Family (*See also:* Family Resemblances) 170–171
Harmonization 43–44, 43n13, 57, 61, 68n30
Harvesting (*See also:* Agrarian; Farming) 19, 44, 44n18, 50, 177
Ḫattušili III 189n51
Healing 69–70
Hearing (*See also:* Ear) 26, 29–30, 34, 68, 71, 78–82, 82n14, 82n16, 85–87, 102, 201–202, 205, 205n40, 209, 212–213, 218–219, 222–223, 226
Heart 32, 71–72, 84, 189, 201–202
Heaven(s) 31–32, 34–35, 72, 82n14, 84, 87, 180, 201–202, 204, 220, 227
Ḫenti 181
Hezateuch 27
Hezekiah 13n4
Hierarchy (*See also:* Authority; Subordinate) 152, 186, 197, 211–212, 217
Hieroglyphics 151
Hillul Hashem (*See also:* Desecration) 100n41
Historiography 47
Holiness 91–105, 190
Holiness Code / Collection / Legislation (*See also:* Holiness; Source Criticism: H) 41n3, 55n54, 65n19, 91–105, 91n1, 148
Homicide (*See also:* Killing; Murder) 132n21, 176n4

Honorifics 205, 207, 207n43
Horeb 78–79, 81, 85–86
Horn 81, 184
Hoshea, King of Israel 21–22, 22n22
Hymn 24n28, 30n46, 202, 212, 212n60, 220

Ibn Ezra 67n23
Iconography
– Ancient Near Eastern, General 150, 152n24
– Hittite 178–179, 178n15
– Medieval 148
– Mesopotamian 151n20
Identity Formation (*See also:* Nationhood) 41–57, 42-43n8, 47n28, 48n29, 54n51, 57n58, 77, 88, 103, 151, 180
Identity Theory 45–47, 47n28
Idolatry (*See also:* Foreign Lands, Peoples, and Gods; Worship of "Other" Deities) 17, 21, 31–32, 34, 42–43, 44n16, 50, 51n41, 52, 83, 93
Impurity 43, 91, 92, 95–99, 95n16, 102, 104, 175
Incantations 63, 119, 153, 153n30, 164–165, 165n10, 199, 201–202, 206n40, 210, 218
Indic Literary Characters
– Ādityas 224
– Asuras 225
– Brahmā 223–228, 225n13, 225n15, 226n19, 227n22
– Dadhīci 226, 226n17
– Daitya 223, 225–226
– Dānavas 224
– Dāruka 226
– Durgā 226
– Durvāsas 225
– Gandharvas 227–228
– Gaṇeśa 227
– Hara 227
– Hari 227
– Hiraṇyakaśipu 223, 223n12
– Hiranyaṇetra 223
– Indra 223, 223n11, 225–227, 225n13, 226n16
– Kaṇḍu 227
– Lakṣmi 223
– Mahisha 226–227
– Maruts 224
– Nārada 227
– Narasiṃha 223
– Prajāpati 227
– Rākṣasas 228
– Sādhyas 224
– Sāgaras 228
– Siddhas 227
– Śiva 224, 226–227, 226n19, 226n20
– Sunda 229n28
– Tvaṣṭar 226, 226n18
– Ūma 226, 226n20
– Upasunda 229n28
– Upendra 223
– Vasus 224, 226
– Vaiśvānara 223
– Vidyādharas 227
– Viṣṇu 223–227, 225n13, 226n19
– Vṛtra 225–226
Innocence 17, 110, 110n7
Interpersonal Communication 197–214
Intimacy (with a deity) 102 205–207
Iron Age 20, 151–152, 154
Isaac 72
Imagery (*See also:* Ancient Near Eastern Literature, Languages, and Art) 51, 146n4, 148–154, 152n24
Intermarriage (*See also:* Marriage) 2, 41–44, 41n3, 50, 51n41, 53, 55–56, 55n52, 63

Jacob 63, 63n11, 68, 72, 114
Jealousy 34
Jehoahaz 22n22
Jehoiachin 22n22
Jehu 157n38
Jeroboam 29n42, 84
Jerusalem 15, 19, 22–23, 25, 29, 36, 84, 93, 112–113, 190, 190n55
Jesus 69n35
Jewish Interpretation and Tradition 67n27, 111, 113, 168n25
Jews (*See also:* Judeans) 54, 66n22, 93
Joseph (Character of) 121
Josiah 14, 22n22, 27, 29
Josiah's Reform 14, 27, 27n35
Joshua (Character of) 26, 64, 64n13

Judeans (*See also:* Jews) 28, 46, 54, 56
Judah *(See also:* Yehud) 13, 14, 19–22, 20n16, 22n22, 27, 32, 41, 41n1, 46, 51, 141, 152, 155, 166, 166n14
Judaism (*See also:* Jews; Jewish Interpretation and Tradition; Judeans) 62, 62n4, 117, 210
Judean Monarchy 15, 22, 25, 27n35
Judges 87n37, 109n4
Juvenile Offender 146, 148

Kidnapping 135, 140, 176n4
Killing (*See also:* Homicide; Murder) 62–63, 63n10, 67, 103, 129, 132, 135–136, 140, 141n62, 148–149, 176, 176n6, 218, 221, 223, 223n12, 226, 226n16
Kingship 152, 163, 169, 181
Kissing 183, 220
Kneeling 204, 207, 209
Kummani 189n51

Lawazantiya 189n51
Leitwörter 157n40
Leprosy 69
Leviathan 103
Levites 26, 29, 30n45, 190
Lightening 181
Likeness (*See also:* Family Resemblance) 161–172, 166n13
Lion 150–154, 151n20, 224
Lips 61, 68, 70–73, 154
Literary Criticism 42
Literary Structure 202, 202n25
Liturgy 24n28, 25n30, 116, 213
Loan (*See also:* Money Lending) 130n10, 131–133, 135n34
Lusting 51–53

Maccabean Historian 66n22
Magic 69, 147, 153–154, 154n32, 164
Manasseh 13n4, 20, 29
Manuscripts
– Leningrad $B19^A$ (L) 112n26
Marriage (*See also:* Intermarriage) 63, 63n11, 67n24, 68, 170, 176n4, 177, 189n51, 192
– Consanguineous 170
Masuwari 151
Masculinity (*See also:* Gender Studies; Queer Theory) 145–157
Masoretic Tradition (MT) 25, 48n31, 64–65, 110, 115, 168n24
Mekhilta de R. Yishmael 80n13
Mercy 141, 201, 210–212, 225–226
Michal 66
Midwife 189, 189n51
Miriam 70
Moab 23, 23n24, 36, 78–79
Mocking 93, 145–147, 145n1, 156
Molech 95, 101, 101n45, 101n46
Money Lending (*See also:* Loans) 115–116, 131–133, 131n15, 136, 138–139
Morality 95n16, 96, 104, 109n4, 119–122, 142, 155, 203, 205n36
Moses
– Authorship, Authority, and Torah Of, 24, 26–27, 29–30, 30n45, 111, 114
– Character Of (*See also:* Suzerain), 83n20, 94, 102, 105
– Birth of, 67n26
– Body of (*See also:* Circumcision; Foreskin; Genitals; Puberty Rite), 61–73, 63n10
– Death of, 63
– Education of, 67
– Family and Marriage of, 63, 63n9, 63n11, 68
– Name, 67
– Orations (*See also:* Song of Moses; Stutter), 15, 18, 24–26, 29, 31–36, 34n53, 66–73, 69n34, 70n36, 71n39, 81n13, 82n14, 87n37, 111n13
– Prophet, 28, 80–81
– Revelation, 30n44, 61, 78–88
Mother (*See also:* Women) 16, 66n22, 102, 155, 165, 179–182, 181n25, 187, 189, 189n50, 192, 221
Mount Carmel 145
Mouth 26, 30n46, 61, 66–73, 80, 115, 149n16, 183, 201n20, 224
Mourning (*See also:* Bereavement) 98
Murder (*See also:* Homicide; Killing) 63–64, 66, 129n9
Mute (*See also:* Disability Studies) 69
Muwatalli II 181

Mythology 42, 46, 55, 63, 65, 103, 184, 189, 189n50, 217–230
– Indic / Hindu / Sanskrit 217–230, 218n2
– Greek 229, 229n28

Nadav 103
Nationalism 45n19
Nationhood (*See Also:* Identity Formation; Sovereignty) 45–57, 113
Neo-Babylonian Period 133n22
Neo-Documentary Hypothesis 3, 77
Newborn 165
Nile, The 69
Northern Kingdom 19

Oaths 101n44
– False 17, 115–116
– Loyalty 181, 184, 188, 188n48
Offerings (*See also:* Sacrifice) 187n44, 204, 207
– Burnt 112–113
– Consecration 112
– Guilt 112–113, 138n48
– Food / Meal 99, 112–113, 183
– Passover 63
– Peace 112
– Sin 112–113
– Well-being 99, 101
Offspring (*See also:* Children; Progeny) 65, 98, 128n5, 149, 151, 189, 201
Og 87n37
Omens 165, 169
Omride 146, 157n38
Oppression 23n23, 49n36, 213, 223–224
Orality 26n30, 121
Orphan 115
Orthography 149n16, 208n49

Passover (*See also:* Festivals) 43n13, 63
Patriarchy
Pentalogue 116
Pentateuch 26, 52, 66, 70, 73, 77, 86–88, 87n37, 91, 94–95, 110–115, 111n13, 115n39, 117n50, 118–119, 121, 123, 148–149, 166, 169
Perennialism 45n19
Persian Period 41, 41n2, 47, 54–56
Pharaoh 63, 65–67, 71–73
– Daughter of 67
– Ramses 67n27
Physical Characteristics (*See also:* Facial Features; Physiognomy) 161–172
– Deformities 167n20
– Perfection 62
Physiognomy (*See also:* Facial Features; Physical Characteristics) 161–172
Piercing 102–103
Pilgrimage 49
Pillars (*See also:* Altar; Sacred Posts) 43, 43n10, 48
Plagues 64, 169n26
Planting 44, 44n18, 225
Pledge (*See also:* Bribes; Slavery, Possessory Pledge) 16
Poetry 25n30, 70, 152
Politeness 207–214, 207n44, 208n47, 208n48, 209n50, 211n57, 211n58
Post-exilic Period, Composition, and Literature 14, 36, 41–42, 41n4, 43n8, 44n16, 46–47, 52, 52n42, 55–56, 120n75
Pragmatics 197–214
Prayer 109n4, 113, 119, 180–181, 189, 197–214, 198n2, 199n8, 199n9, 202n25, 203n29, 205n38, 206n40, 210n55, 212n59
– Petitionary 209–210, 212–213, 212n60
Pre-Exilic Period, Composition, and Literature 25, 25n30, 27n35, 28–29, 52n42
Pregnancy 134
Presence, Authoritative / Divine 27n33, 80, 99, 101–104, 101n46, 180n25, 203–204, 204n31, 212, 219
Presentation Scenes 202n26, 202n27
Priests 72, 95, 98–99, 102, 181–187, 181n26, 185n38, 187n44, 189n51, 190–191, 209
Priestess 175–192, 189n51
Prince 181, 183, 187–189
Princess 187–189, 189n51
Prisoner (*See also:* Captives) 21
Profane (*See also:* Impurity) 91, 92n5, 94–98, 98n32, 100, 101n46
Progeny (*See also:* Offspring; Children) 32, 168, 179, 188
Promised Land, The 45, 48, 48n32, 50, 78
Prostitution 184n33

Protestantism (*See also:* Catholicism; Christianity) 77, 96
Proto-Semitic 97n27
Proxemics 197–214
Psalmist 109–118, 116n43, 116n44, 123
Psalter 110n5, 110n8, 113–117, 120–121
Puberty Rite (*See also:* Circumcision; Foreskin; Genitals; Moses, Body of) 63
Puduḫepa 189
Punishment 7, 17, 21, 24–25, 28, 31–32, 45, 93, 102, 118–119, 132, 134n28, 135n34, 135n36, 136–137, 139, 141–142, 141n62, 146–148, 176, 185
Puranic Narratives 222–223, 225

Qubbah 151
Queen 180–181, 181n27, 186, 186n42, 187–191, 189n50, 189n51
Queer Theory (*See also:* Gender Studies) 145–157
Qumran 112

Rabbi Jonathan 112
Rabbinic Period 112
Rabbis / Rabbinicism 61–62, 63n9, 67n27, 68, 92–93, 93n9, 111n13, 112–113
Raiding (*See also:* Robbery) 19
Ramban 80n11, 84n23
Rashbam 68, 84n23, 102n53
Rashi 68, 81n13, 100
Rebekah 72
Rebellion 25, 29
Reish Lakish 112
Relational Theology 100–104
Relational Distance 197–214
Rest (*See also:* Sabbath) 44, 44n18, 49, 87, 142n63, 218, 220, 228
Rhetoricality 47, 54, 154, 165, 171–172, 203, 207–208, 211, 213
Redaction Criticism 42–45
Repentance 25, 28n39, 31–32, 34, 93
Reputation, Divine 25, 92–94, 101, 104
Revelation 27n33, 111–112, 118–119
Righteous 16, 34, 118–119
Robbery (*See also:* Raiding) 115
Rod (*See also:* Staff) 69, 129
Royal Appearance (*See also:* Physiognomy; Physical Characteristics) 161–172, 178

Sabbath (*See also:* Seventh Day) 17, 41n4, 42–44, 44n18, 49–50, 49n36,53–54, 54n51, 56, 87–88, 96, 142n63
Sacred Posts (*See also:* Altar; Pillars) 43, 48
Sacred Rocks 185n36
Sacred Space (*See also:* Temple; Sanctuary; Tent of Meeting) 96
Sacrifice 50–51, 54, 55n51, 95–96, 99, 101, 112–113, 175, 185, 190
Sages 225n13
Salvation 111, 220, 226
Samaria 13n4, 17, 19, 21, 23, 25, 32, 36, 145
Sanctuary (*See also:* Temple; Tent of Meeting) 49n35, 55n51, 96, 98–102, 101n46, 190n55
Sanskrit 222–230
Saqqara 62n3
Sargon II 169
Saul 29n42
Savior 223–224
Schadenzauber 147
Scribalism 51, 86n34, 139n51, 198
Scroll 29, 30n45, 67, 79
Second Isaiah 48n32
Second Temple Period and Literature 47, 62, 66n22, 91, 93, 117
Secret Knowledge 23, 222
Seers 223, 225–227, 225n15, 226n17
Sennacherib 13n4, 19–20, 20n16
Septuagint (LXX) 64–65, 65n18, 110
Serpent (*See also:* Snake) 226n16
Servant (*See also:* Enslavement; Slavery) 127–128, 136, 136n41
Seth 168
Seventh Day / Year (*See also:* Sabbath) 17, 49–50, 87
Sex, Biological 167–168, 168n22, 175n3, 177, 179, 192
Shalmaneser III 163, 169–170
Shaving (*See also:* Tonsure) 148
Shechem 63n11, 65
Shekels 139n51, 176n6

Shepherding 119
Shiloh 29n42
Shrines 84, 178n18, 185, 185n36, 220
Siege Warfare 22–23
Sight (*See also:* Eyes) 46, 69, 81, 85, 201, 205, 212–213
Silver 84, 129–130, 134, 136n40, 176n6, 179n18
Sin 23, 28n39, 79, 84, 93, 99, 101, 110, 112–113, 117–120, 185
Sinai 27n33, 42, 44, 47, 57, 77, 92, 111n13, 113n31, 119
Singing 70, 184, 188
Sirach 122
Sitz im Leben 122
Slavery *(See also:* Servant; Enslavement)
– Chattel-Slavery 127–142, 128n5, 131n14, 135n34, 138n45, 139n53, 140n59, 141n61, 141n62
– Debt-Slavery 127–142, 127n4, 128n5, 129n9, 130n9, 133n22, 134n28, 135n34, 135n36, 136n40, 136n41, 138n48, 138n49, 139n50, 139n53, 141n61, 141n62
– Distrainee 130–133, 132n19, 132n20, 136, 136n41, 139
– Famine 134
– Possessory Pledge 128n5, 130, 131–133, 131n15, 131n16, 138, 139n50
– Slave-Hairstyle 135n34, 139n50
– Slave-Mark 135n34
Snake (*See also:* Serpent) 69
Social Behavior 197–214
Sociolinguistics 208
– French 208
– German 208
– Japanese 207n43
Solomon 29n42
Song of Moses 24–29, 25n30, 28n36, 30n46, 31, 36
Sorcery 121n87, 154n31, 164
Source Criticism 67n26
– E (Elohist) 27n33, 62n7, 66, 67n26, 72, 78–88, 79n6, 83n20, 86n33, 86n35
– H (*See also:* Holiness; Holiness Code / Collection / Legislation)
– 52, 87n38, 91–92, 91n1, 91n2, 95–105, 101n44, 116
– J (Yahwist) 42, 62, 67, 72, 77, 104, 117
– JE 26-27n33, 73n46, 117
– Non-P 61–62, 62n7, 66–68, 67n24, 71–73, 73n45
– P (Priestly; P^{g}) 42–43, 44n18, 55n51, 61–73, 62n2, 65n19, 66n20, 77, 87–88, 87n38, 87n40, 88n42, 91–105, 91n2, 95n16, 100n43, 109, 113n29, 113n31, 114, 114n36, 148, 166, 166n15, 167n20, 168n22, 169, 169n26, 169n27, 175
– D (Deuteronomist) (*See also:* Deuteronomistic History and Literature) 3, 14, 27n33, 29n42, 78–79, 82, 84–88, 86n31, 86n35, 87n37, 87n38, 88n43, 114
Sovereignty (*See also:* Nationhood) 25, 45–46, 46n22, 109n4, 202, 226
Spies 94
Springs 185n36
Starvation 22
Storm Gods (*See also:* Ancient Near Eastern Deities) 150–151, 179–183, 181n25, 182n30, 186, 189
Staff (*See also:* Rod) 68n32, 129, 178, 184, 187
Strangers (*See also*: Foreign Land, Persons, and Gods) 19, 49, 207
Stutter (*See also:* Moses, Body of) 61, 66–73, 70n36
Šubartu 140n59
Subordinate (*See also:* Authority; Hierarchy) 147, 202–214, 202n28, 212n61
Sun Goddesses (*See also:* Ancient Near Eastern Deities) 180–181, 180n25, 189, 189n51, 189n53
Šuppiluliuma I 181
Supplication (*See also:* Prayer) 164, 196–214, 213n65
Suzerain 83, 83n20, 229n28
Sword 178

Tablets, The 78, 82–85, 82n17, 82n18, 83n19, 83n20
Tablet-Smashing 83n20, 84–85, 84n27
Tablets of Destiny 220–222
Talmudic Era 111n13

Teaching 26, 30n46, 72, 78, 82, 99, 101n45, 101n46, 111, 113, 114, 118
Temple, The (*See also* Sacred Space; Sanctuary; Tent of Meeting) 55n51, 56, 84, 93, 93n10, 99, 103–104
Temples (General) 116, 118, 130, 175, 177–178, 178n18, 182–187, 184n33, 184n35, 185n36, 185n38, 190–192, 190n55, 204n31
Tent of Meeting (*See also* Sacred Space; Sanctuary; Temple) 26, 27n33
Testing 68, 220
Textual Dependence 13, 86, 88n41, 115, 116n40
Theft 93, 133–134, 176n4
Tiglath-Pileser III 169
Theophoric Names 189n51
Third Isaiah 41n2, 54n51
Thunder and Lightning 80–81, 85
Trickery 63, 72
Trope 149–150, 154, 229–230
Trumpet 80
Tonsure (*See also:* Shaving) 147–148
Torah 16, 26, 27n34, 29–30, 30n46, 41, 57, 62, 96, 110–119, 110n8, 113n29, 112n31, 117n48, 190
Translation 21n21, 64, 79n7, 100, 100n40, 127–142, 128n5, 132n20, 136n41, 180n25

Vassal Treaty (*See also:* Ancient Near Eastern Texts) 14n7, 83
Vedic Texts (Vedas) 222, 225n14, 226n16, 226n18
Veil 99
Venus 204, 209
Violence 146–147, 150, 152, 155–156
Visual Culture 161–172
– Greek 171n31
– Roman 171n31

Wages 16, 176–177, 176n4
War 135, 223n12, 224–225
Warrior God 103, 201, 218–219
Water 67, 69, 188, 218, 220
Wealth 94, 113, 202
Wickedness 110n7, 118, 152
Widow 115
Wiederaufnahme 71n39
Wife 51, 62, 98, 128n5, 130, 139n51, 151, 177–178, 185n38, 188, 190, 190n55, 192, 218, 224, 226n20, 228
Wilderness, The 15, 64, 64n13, 78–79, 85–88, 92
Wisdom of Solomon 122
Wisdom Tradition 24n28, 29n42, 67, 109n4, 110, 115–123, 120n75, 120-121n79, 121n81
Witchcraft 8, 153n29, 164–165, 165n10
Writing 13n4, 26, 29–30, 30n45, 120
Womb 35, 43, 201
Women (*See also:* Female; Gender Studies; Sex, Biological) 66n22, 175n2, 226
– Israelite 50n39
– Non-Israelite 50n39
– Forbidden 98
– Slaves 129, 138, 138n49
– Hittite 175–192, 175n3,179n20
Worship of "Other" Deities (*See also:* Idolatry; Foreign Land, Peoples, and Gods) 51n41, 52–54, 53n44, 83–84, 95, 101, 101n46, 115
Wrath (*See also:* Anger)
– Divine 18, 24–25, 32, 63n9, 227
– Human 148

Yahwism 42, 53–54, 56
Yehud (*See also:* Judah; Persian Period) 46, 54–56
Yehoiada 102
Yom Kippur (*See also:* Atonement; Festivals: Day of Atonement) 93

Zedekiah 22, 22n22
Zipporah 62–64, 63n9, 63n11
Zones of Interaction 206–210